

SANJIV N. SINGH, A PROFESSIONAL LAW CORPORATION
Sanjiv N. Singh, Esq. (SBN 193525)
1700 S. El Camino Real Suite 503
San Mateo, CA 94402
Phone: (650) 389-2255
Email: ssingh@sanjivnsingh.com

INDRAJANA LAW GROUP, A PROFESSIONAL LAW CORPORATION
Michael B. Indrajana, Esq. (SBN 258329)
1700 S. El Camino Real Suite 503
San Mateo, CA 94402
Phone: (650) 597-0928
Email: michael@indrajana.com

Attorneys for Plaintiff MICHAEL BISCH

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL BISCH, an individual,

Plaintiff,

vs.

COUNTY OF YOLO, CALIFORNIA, a public
corporation; CITY OF WEST SACRAMENTO, a
public corporation; CITY OF DAVIS, a public
corporation; CITY OF WOODLAND, a public
corporation; ANGEL BARAJAS, an individual;
OSCAR VILLEGAS, an individual; CHAD
RINDE, an individual; AARON LAUREL, an
individual; KEN HIATT, an individual; MICHAEL
WEBB, an individual; DONALD SAYLOR, an
individual; and DOES 1 through 50, inclusive,

Defendants.

Case No.: 2:23-cv-00455-MCE-DB

**DECLARATION OF SANJIV N. SINGH IN
SUPPORT OF PLAINTIFF'S OPPOSITION
TO DEFENDANTS' MOTION TO STRIKE**

Judge: Hon. Morrison C. England

Hearing Date: TBD

Time: TBD

Dept. No.: 7

DECLARATION OF SANJIV N. SINGH

1 1. My name is Sanjiv N. Singh. I am lead trial counsel for Plaintiff Michael Bisch in the above
2 captioned matter. I have personal knowledge of the facts stated therein, and if sworn as a witness, I would be
3 competent to testify thereto.

4 2. Attached hereto as **Singh Exhibit 1** is a true and correct copy of excerpts of the Donald Bosley
5 Deposition Transcript dated June 6, 2023. The witness was represented by his own counsel. He also produced
6 documents the day before his deposition.

7 3. Attached hereto as **Singh Exhibit 2** is a true and correct copy of Exhibit 10 to the Donald
8 Bosley Deposition Transcript. I questioned the witness on numerous aspects of these documents, including his
9 specific recollection of conversations with Yolo County Supervisor Oscar Villegas, with then employee Zane
10 Hatfield, with Yolo County City Manager Aaron Lauren, and with then executive director of YFB, Plaintiff
11 Michael Bisch.

12 4. It was contemplated that Plaintiff would attach hereto as **Singh Exhibit 3 [OMITTED]** a true
13 and correct copy of the sworn court reporter transcription of relevant portions of the April 27, 2022 Yolo Food
14 Bank Zoom Video meeting recorded video. It was further contemplated that Plaintiff would attach as **Singh**
15 **Exhibit 3A [OMITTED]** a true and correct copy of the relevant actual video excerpt of the April 27, 2022
16 Yolo Food Bank Zoom Video Meeting clip. I have confirmed through review of the Zoom video file, and
17 through interview of Zane Hatfield and Michael Bisch that the video was legally obtained and recorded and
18 that attendants were required, through Zoom software, to consent to the recording in order to participate. The
19 Board minutes we have reviewed show that the April 27, 2022 meeting was properly recorded with the consent
20 of the Board. All participants who were present had to consent to be present on Zoom session. Despite this, on
21 the day we needed to file our briefs (today), we received notice at 4:34 PM that counsel for YFB claimed that
22 the Zoom video of the meeting could not be submitted *even in a motion to seal to this Court*, even though an
23 identical copy of the Zoom video was in independent possession of Michael Bisch, and claimed incorrectly that
24 the video was illegally recorded when it was not—it was recorded with consent of the Board. Plaintiff Bisch
25 will have to address the issue with the presiding state court where YFB counsel has attempted to designate the
26 video as Confidential. Until then, these two highly probative pieces of evidence are withheld.

27 5. Attached hereto as **Singh Exhibit 4** is a true and correct copy of relevant email correspondence
28 and production from the City of Woodland obtained from a May 29, 2023 California Public Records Act

1 (“CPRA”) Request that my co-counsel Michael B. Indrajana served on City of Woodland. The City of
2 Woodland responded with a production of documents, and had outside counsel work with us cooperatively to
3 obtain the documents. Exhibit 4 is an excerpt of the 1168-page production with relevant documents which fall
4 into several main categories:

- 5 a. Communications which show express references to withholding funds from YFB until further
6 notice and requiring notice to the Cities and County Administrator. The communications may
7 be found at:
 - 8 i. CPRA WOODLAND 000008-000009: May 24, 2022 Email from Defendant Ken
9 Hiatt (City Manager for City of Woodland) to various representatives of Defendants
10 City of Davis, City of Woodland, City of West Sacramento: “If the request is made by
11 Yolo Food Bank for funding, no authorization of these initial year funds will be made
12 without first consulting with the City Manager’s and County Administrator. CMs and
13 CAO should be informed of any funding request made by YFB.”
 - 14 ii. CPRA WOODLAND 000013-000014: Duplicate of CPRA WOODLAND 000008-
15 000009.
 - 16 iii. CPRA WOODLAND 000022-000023: May 6, 2022 Email from Marissa Juhler
17 (Defendant Yolo County) to Defendant Chad Rinde (Defendant Yolo County) copied
18 also to Taro Echiburu (Defendant Yolo County) and Ramin Yazdani (Defendant Yolo
19 County) indicating that “in light of the recent letter from Yolo Food Bank wanting to
20 reopen the discussion about them receiving Edible Food Recovery funding, we are
21 awaiting decision from the Board Members who received that letter to them how to
22 proceed. If we entertain offering funds back to YFB, there may not be a need for us to
23 create the MOUS with the cities or house any of the funds. All funds would go directly
24 back to YFB as originally planned.” This same page shows that this email was
25 forwarded the same day by Defendant Rinde to all of the Cities including Defendants
26 West Sacramento (to Defendant Aaron Laurel), City of Davis (to Defendant Michael
27 Webb), City of Woodland (to Defendant Ken Hiatt), and to the City of Winters
28 (Kathleen Trepa).

iv. CPRA WOODLAND 000028: May 23, 2022 Email from Defendant Ken Hiatt (City Manager for Defendant Woodland) telling other Woodland city employees that “If request is made by Yolo Food Bank for funding, no authorization for these initial year funds will be made without first consulting with the City Manager’s and County Administrator. Similarly, CMs and CAO should be informed of any funding request made by YFB.”

b. Communications which expressly contain implicit or express statements about Michael Bisch, including multiple instances where the March 18, 2022 Letter from Oscar Villegas and Angel Barajas is forwarded to all the Cities, and where specific narratives of Michael Bisch/YFB being “**unethical**” are forwarded by employees of Defendant Yolo County to Defendant City of Woodland, Defendant City of Davis, and Defendant City of West Sacramento:

i. CPRA WOODLAND 000038-000041

ii. CPRA WOODLAND 000054-000060 (where Susan Strand, West Sacramento’s Environmental Program Specialist on March 19, 2022 says, to Woodland, Davis, and Yolo County officials, “**Wow, that’s an excellent letter. Thanks so much for sharing it Rosie. I have been so upset by this situation. It is great to finally see the unethical actions of Michael Bisch finally being fully addressed in public.**”

iii. CPRA WOODLAND 000061-000065

iv. CPRA WOODLAND 000066-000069

v. CPRA WOODLAND 000078-000081

vi. CPRA WOODLAND 000082-000083

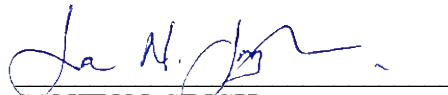
c. Communications by Defendant Ken Hiatt (City Manager of Woodland) including:

i. CPRA WOODLAND 000070-000077: Mar 18, 2022 Email from Defendant Hiatt to City Council members of Defendant City of Woodland where one of the Council members, Tom Stallard, states after being sent March 18, 2022 Letter from Yolo County to YFB Board, “**A spicy meatball indeed. That board has to get Bisch under control or bounce him.**”

- ii. CPRAW WOODLAND 0000662: March 18, 2022 Email response from Woodland City Council member Rich Lansburgh in response to Ken Hiatt's email forwarding the March 18, 2022 letter: **"That's a pretty strong position to take. But necessary."**
- iii. CPRA WOODLAND 000086-000088: March 14, 2022 Email where Defendant Ken Hiatt forwards email to YFB Director Kate Stille with express statement by West Sacramento's then Environmental Services & Sustainability Manager Traci Goularte that, **"the outright unethical practices of YCFB is shocking."**
- d. Communications by Defendant City of Woodland to Defendant City of Davis:
 - i. CPRA WOODLAND 000218-000220: March 7, 2022 Email at 10:23 AM where Defendant City of West Sacramento employee Traci Goularte forwarded the **"unethical practices"** email to Defendant City of Davis's Jennifer Gilbert and Defendant City of Woodland's Rosie Ledesma.
 - ii. CPRA WOODLAND 000111: March 7, 2022 Email at 10:41 AM where City of Davis Conservation Coordinator Jennifer Gilbert states to City of Woodland Environmental Resource Analyst Rosie Ledesma, **"Wow, I'm just...stunned by the news that West Sac shared. And sickened."**

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct to the best of my knowledge or belief based on reliable information, that I have personal knowledge of the facts stated above, and that, if sworn as a witness, I would be competent to testify thereto.

Executed this 13 Day of June, 2023, in San Mateo, California.


SANJIV N. SINGH

SINGH EXHIBIT 1

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 COUNTY OF YOLO

3
4 MICHAEL BISCH,) Case No.
5) CV2022-1431
6 Plaintiff,)
7)
8 -vs-) Volume I
9 YOLO FOOD BANK, et al.)
10)
11 Defendants.)
12) Pages 1 - 216
13 _____)

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21
22 VIDEOTAPED DEPOSITION OF

23 DONALD BOSLEY

24 JUNE 6, 2023

25
Reported by:

KAYLA KNOWLES, CSR #14071

JAN BROWN & ASSOCIATES

WORLDWIDE DEPOSITION & VIDEOGRAPHY SERVICES

701 Battery St., 3rd Floor, San Francisco, CA 94111

(415) 981-3498 or (800) 522-7096

<p style="text-align: right;">73</p> <p>11:40:14 1 BY MR. SINGH:</p> <p>11:40:14 2 Q. Did you have any knowledge as to what -- and if</p> <p>11:40:17 3 you don't, that's fine.</p> <p>11:40:18 4 Did you have any knowledge as to what costs Yolo</p> <p>11:40:22 5 Food Bank would incur in order to provide assistance to</p> <p>11:40:27 6 Mercy Coalition?</p> <p>11:40:28 7 MR. TURPEN: Objection. Vague.</p> <p>11:40:29 8 THE WITNESS: No, I did not.</p> <p>11:40:31 9 BY MR. SINGH:</p> <p>11:40:53 10 Q. Okay. The arrangement between Yolo Food Bank</p> <p>11:40:56 11 and Mercy Coalition -- prior to March of '22, had there</p> <p>11:41:04 12 ever been a dispute between Yolo Food Bank and Mercy</p> <p>11:41:08 13 Coalition about that arrangement, to your knowledge?</p> <p>11:41:11 14 A. Not a one, that I am aware of.</p> <p>11:41:15 15 Q. All right. And -- and follow-up question: Had</p> <p>11:41:19 16 there ever been any public controversy, either in front</p> <p>11:41:23 17 of any of the boards, interview with a newspaper,</p> <p>11:41:27 18 anything like that? Any kind of public controversy about</p> <p>11:41:31 19 the relationship between Yolo Food Bank and Mercy</p> <p>11:41:34 20 Coalition?</p> <p>11:41:34 21 A. No.</p> <p>11:41:41 22 Q. Had there ever been, to your knowledge, prior to</p> <p>11:41:44 23 March of 2022, any discussion in any public meeting,</p> <p>11:41:51 24 board of supervisors meeting, city council meeting, for</p> <p>11:41:56 25 example, about the relationship between YFB and Mercy</p>	<p style="text-align: right;">75</p> <p>11:44:48 1 native name that your counsel applied to the file, and I</p> <p>11:44:53 2 just put it in brackets and I've made it Exhibit 6.</p> <p>11:44:57 3 MR. SINGH: So, Mr. Ehlers, you can correlate</p> <p>11:44:59 4 that with what you've produced.</p> <p>11:42:14 5 BY MR. SINGH:</p> <p>11:45:01 6 Q. So, first, let's just take a look at what is</p> <p>11:45:04 7 Bates-stamped Bosley1, Bosley000001, and it goes on</p> <p>11:45:10 8 through, essentially, Bosley10.</p> <p>11:45:24 9 Do you recognize this -- this -- take a look at</p> <p>11:45:28 10 those Bates-stamped pages, 1 through 10. Do you</p> <p>11:45:31 11 recognize this as a series of e-mails exchanged between</p> <p>11:45:35 12 you and employees of the Yolo Food Bank in 2023 in</p> <p>11:45:39 13 connection with the execution of the partner agency</p> <p>11:45:41 14 agreement we were just previously discussing?</p> <p>11:45:44 15 A. Yes.</p> <p>11:45:45 16 Q. Okay. And is it correct that these e-mails</p> <p>11:45:48 17 reflect that they were asking you to sign the partner</p> <p>11:45:52 18 agency agreement, which you did and which you sent back</p> <p>11:45:56 19 to them?</p> <p>11:45:56 20 A. Yes.</p> <p>11:45:57 21 Q. Okay. During the course of this exchange, did</p> <p>11:46:04 22 you attempt, at any point, to negotiate on the terms in</p> <p>11:46:09 23 this partner agency agreement before executing it?</p> <p>11:46:14 24 A. I don't recall that I did, no.</p> <p>11:46:17 25 Q. Okay. Because I don't see -- in the documents</p>
<p style="text-align: right;">74</p> <p>11:41:59 1 Coalition, to your knowledge?</p> <p>11:42:00 2 A. No, none that I'm aware of.</p> <p>11:42:11 3 Q. By March of 2022, SB 1383 was already in effect;</p> <p>11:42:11 4 correct?</p> <p>11:42:21 5 A. Correct, just.</p> <p>11:42:22 6 Q. It had come into effect in January; correct?</p> <p>11:42:26 7 A. Correct.</p> <p>11:42:26 8 Q. Of that year.</p> <p>11:42:27 9 A. Uh-huh.</p> <p>11:42:28 10 Q. I am going to put in front of you -- okay. This</p> <p>11:43:18 11 is in the chat. It's going to be internal -- and it's</p> <p>11:43:21 12 going to be Deposition Exhibit 6. It's also Internal</p> <p>11:43:23 13 Exhibit 6.</p> <p>11:43:35 14 (Exhibit No. 6 marked for identification.)</p> <p>11:43:35 15 BY MR. SINGH:</p> <p>11:43:48 16 Q. I am going to ask you a few questions here.</p> <p>11:43:57 17 We're going to go through a good portion of this. Give</p> <p>11:44:01 18 me a second here. I am going to share screen.</p> <p>11:44:15 19 So we've marked this -- your counsel kindly</p> <p>11:44:20 20 segmented the production into pieces, which is actually</p> <p>11:44:27 21 very helpful. I appreciate that -- and turned one of</p> <p>11:44:31 22 those pieces into an exhibit. It's Exhibit 6, and</p> <p>11:44:35 23 this -- it correlates with a tranche that he produced --</p> <p>11:44:39 24 that your counsel produced responsive to the subpoena.</p> <p>11:44:43 25 You'll see that, the way I named the PDF, I took the</p>	<p style="text-align: right;">76</p> <p>11:46:22 1 that you provided, I don't see evidence of that. That's</p> <p>11:46:25 2 why I'm just trying to confirm that with you.</p> <p>11:46:27 3 So you signed it; correct?</p> <p>11:46:30 4 A. Correct.</p> <p>11:46:30 5 Q. Okay. And they told you in the e-mail -- you</p> <p>11:46:36 6 see here Jim Newton, March 2nd, 2023, 10:42, sent you an</p> <p>11:46:42 7 e-mail that said, "Good morning, Don. I wanted to follow</p> <p>11:46:45 8 up about the grocery recovery agreement. I have not</p> <p>11:46:48 9 received a signed copy from you yet and wanted to get</p> <p>11:46:51 10 this on file."</p> <p>11:46:52 11 Is it correct that, when you received this</p> <p>11:46:53 12 e-mail, you looked at the document, you signed it, and</p> <p>11:46:56 13 you sent it back to him?</p> <p>11:46:57 14 A. Yes. Now, if I'm not mistaken, either in this</p> <p>11:47:08 15 group or -- there are actually two agreements reflected.</p> <p>11:47:13 16 One is the partner membership agreement; this here is the</p> <p>11:47:17 17 grocery recovery partner agreement. So those are --</p> <p>11:47:21 18 those are -- and I believe we got those and returned</p> <p>11:47:25 19 those, more or less, at about the same time. This looks</p> <p>11:47:30 20 like it all has to do with the grocery recovery.</p> <p>11:47:33 21 Q. I am just going to scroll through here quickly.</p> <p>11:47:36 22 I don't see any other agreement in this</p> <p>11:47:37 23 particular tranche. We can come back to that in a</p> <p>11:47:46 24 moment, but okay. I'll take your word on that, and we'll</p> <p>11:47:49 25 go back and take a look at this.</p>

<p style="text-align: right;">77</p> <p>11:47:49 1 A. Well, you showed me the partner agreement earlier today.</p> <p>11:47:51 2 Q. Okay. So let's go back then.</p> <p>11:47:51 3</p> <p>11:48:06 4 Here's the partner agency agreement. This was</p> <p>11:48:09 5 Exhibit 5. And, again, could be our mistake, and this is</p> <p>11:48:13 6 why we can clarify things; so let's do it.</p> <p>11:48:16 7 This is the exhibit I had previously.</p> <p>11:48:20 8 A. Okay. Okay.</p> <p>11:48:21 9 Q. And Exhibit 6, which is what I am showing you</p> <p>11:48:25 10 now -- let's look at these side by side. "Grocery</p> <p>11:48:30 11 Recovery Program Partner Agency Agreement," "Grocery</p> <p>11:48:35 12 Recovery Partner Agency Agreement."</p> <p>11:48:39 13 A. Okay.</p> <p>11:48:40 14 Q. I could be wrong, but, to me, they look like the</p> <p>11:48:42 15 same document, but walk me through this if these are</p> <p>11:48:46 16 different.</p> <p>11:48:46 17 A. No, I think you're correct. I think I'm</p> <p>11:48:49 18 getting -- I know there were -- well, I'm pretty sure</p> <p>11:48:51 19 there were two documents we signed at the time, but I'll</p> <p>11:48:55 20 be happy to go back and double-check that.</p> <p>11:48:57 21 Q. That would be helpful. We will also --</p> <p>11:49:01 22 MR. SINGH: Michael Indrajana, please just take</p> <p>11:49:05 23 note. I know you're offline right now, but I know you</p> <p>11:49:08 24 can hear me. Let's just double-check on our end as well.</p> <p>11:42:14 25 BY MR. SINGH:</p>	<p style="text-align: right;">79</p> <p>11:50:22 1 A. I tried as best I could to answer the -- the</p> <p>11:50:32 2 points in the -- in the subpoena point by point. You</p> <p>11:50:36 3 know, Point Number 1 asks for a certain individual, and I</p> <p>11:50:40 4 tried to get all the interactions for that individual.</p> <p>11:50:44 5 Now, some of the challenge arrived -- is that</p> <p>11:50:46 6 some of those -- information was sent to multiple</p> <p>11:50:50 7 individuals who information was asked for; so some of the</p> <p>11:50:53 8 stuff about Mr. Hatfield here was maybe included in the</p> <p>11:50:56 9 group that was written about for Mr. Bisch, but that was</p> <p>11:51:01 10 how I approached it.</p> <p>11:51:02 11 Q. Okay. Got it.</p> <p>11:51:07 12 And the second agreement that you're talking</p> <p>11:51:09 13 about, you think that that is an Edible Food Recovery</p> <p>11:51:13 14 agreement? What is the second agreement that you think</p> <p>11:51:15 15 we're not looking at right now?</p> <p>11:51:16 16 A. I thought there was a general partner membership</p> <p>11:51:22 17 agreement that didn't necessarily have to do with Edible</p> <p>11:51:26 18 Food Recovery. I could be mistaken, but that's what I</p> <p>11:51:29 19 thought.</p> <p>11:51:29 20 Q. Okay.</p> <p>11:51:33 21 A. We can go back and check that.</p> <p>11:51:36 22 Q. I'll check.</p> <p>11:51:36 23 I have one other question for you, just want to</p> <p>11:51:41 24 probe your general understanding. This is along the</p> <p>11:51:43 25 lines of your role, the question I was asking about, your</p>
<p style="text-align: right;">78</p> <p>11:49:11 1 Q. -- and we'll let you know. But yeah, if you can</p> <p>11:49:13 2 double-check with your counsel, we'll double-check as</p> <p>11:49:15 3 well.</p> <p>11:49:16 4 So I think what you're saying is there might be</p> <p>11:49:21 5 another agreement, which is a partner membership</p> <p>11:49:24 6 agreement, I think is the term you used, that was also</p> <p>11:49:26 7 executed around the same time; correct?</p> <p>11:49:28 8 A. I believe that to be true.</p> <p>11:49:29 9 Q. Okay. No problem.</p> <p>11:49:32 10 (Speaking simultaneously.)</p> <p>11:49:33 11 BY MR. SINGH:</p> <p>11:49:33 12 Q. We'll check. I thought that I had made a</p> <p>11:49:35 13 mistake on what I'd previously shown you, but I think we</p> <p>11:49:40 14 determined that those are the same documents, but we'll</p> <p>11:49:42 15 clarify anyway.</p> <p>11:49:44 16 Okay. So let's move forward. I am back on</p> <p>11:49:46 17 Exhibit 6. I asked you a series of questions about this</p> <p>11:49:48 18 e-mail exchange here, which took place on the first ten</p> <p>11:49:52 19 pages of this Bates-stamped production. Now I am going</p> <p>11:49:55 20 to move to Bosley11, which jumps around in time; right?</p> <p>11:50:01 21 So, obviously, as you can see, we went from '23 and now</p> <p>11:50:06 22 we're at '21.</p> <p>11:50:12 23 I am just curious. When -- and I don't want to</p> <p>11:50:15 24 know privileged information, but when you gave e-mails to</p> <p>11:50:18 25 your counsel, did you give them in any particular order?</p>	<p style="text-align: right;">80</p> <p>11:51:47 1 knowledge base and your capacity as executive director</p> <p>11:51:49 2 and board member of Mercy Coalition.</p> <p>11:51:52 3 To your knowledge, were the agreement -- or</p> <p>11:52:03 4 sorry. I should say the working arrangement, whether</p> <p>11:52:06 5 memorialized in a written agreement or not -- the working</p> <p>11:52:09 6 arrangement between YFB and Mercy Coalition, was that</p> <p>11:52:15 7 subject to any kind of regulation or oversight by City of</p> <p>11:52:21 8 West Sacramento, to your knowledge? And I'm not asking</p> <p>11:52:29 9 for your --</p> <p>11:52:32 10 (Speaking simultaneously.)</p> <p>11:52:32 11 THE WITNESS: Not to my knowledge.</p> <p>11:52:33 12 BY MR. SINGH:</p> <p>11:52:33 13 Q. Was there some legal requirement to submit --</p> <p>11:52:35 14 and, again, just your lay understanding. I'm not asking</p> <p>11:52:38 15 for a legal opinion.</p> <p>11:52:39 16 Was there any requirement, to your knowledge, to</p> <p>11:52:41 17 submit a copy of that agreement to City of West</p> <p>11:52:46 18 Sacramento or Yolo County?</p> <p>11:52:47 19 A. I'm unaware of such a requirement.</p> <p>11:52:53 20 Q. And, for example, the agreement that you</p> <p>11:52:55 21 executed with Yolo Food Bank in 2023, were you required</p> <p>11:53:00 22 to submit a copy of that to either Yolo County or West</p> <p>11:53:06 23 Sacramento?</p> <p>11:53:06 24 A. Not to my knowledge. The Mercy Coalition was</p> <p>11:53:10 25 not. I can't speak for YFB, of course.</p>

<p style="text-align: right;">81</p> <p>11:53:13 1 Q. Am I correct, the entire time that you've been</p> <p>11:53:17 2 working for Mercy Coalition, it is a private nonprofit?</p> <p>11:53:21 3 Correct?</p> <p>11:53:21 4 A. Yes.</p> <p>11:53:25 5 Q. Okay. So take a look on -- it starts at</p> <p>11:53:36 6 Bosley11, and, I think, for the reasons you've</p> <p>11:53:39 7 described -- and the reasons that you've described sound</p> <p>11:53:45 8 like they make sense to me, that you were trying to</p> <p>11:53:48 9 respond to our different topics. But it looks like the</p> <p>11:53:51 10 tranche shifts gears and goes back to '21, and it appears</p> <p>11:53:56 11 to show some interaction between yourself, Michael Bisch,</p> <p>11:53:59 12 and Zane Hatfield. Do you see that?</p> <p>11:54:01 13 A. Yes.</p> <p>11:54:02 14 Q. When did you first meet Michael Bisch?</p> <p>11:54:04 15 A. If I'm not mistaken, I first had a substantive</p> <p>11:54:16 16 conversation with Michael in a lunch arranged by Nolan</p> <p>11:54:20 17 Sullivan from Yolo County. We had lunch in Davis or</p> <p>11:54:27 18 Woodland, and Nolan wanted to get us together because he</p> <p>11:54:33 19 thought we had some ideas that could -- I don't know --</p> <p>11:54:36 20 spark something between us or something like that; so --</p> <p>11:54:36 21 so it wouldn't have been long after Michael was hired as</p> <p>11:54:36 22 ED, I don't believe. I just -- I'm not sure when that</p> <p>11:54:44 23 was.</p> <p>11:54:44 24 Q. Okay. Got it.</p> <p>11:54:46 25 But obviously prior to this exchange that is</p>	<p style="text-align: right;">83</p> <p>11:55:36 1 particularly here, is it correct that these interactions</p> <p>11:55:39 2 were focused on efforts of Mercy Coalition and Yolo Food</p> <p>11:55:50 3 Bank to understand the direction that the County and the</p> <p>11:55:56 4 other government entities, the Cities, were going in</p> <p>11:56:00 5 connection with the SB 1383 prior to its implementation?</p> <p>11:56:09 6 And take a look -- before you answer, take a look at</p> <p>11:56:12 7 these e-mails if it refreshes your recollection.</p> <p>11:56:17 8 A. Yes. These interactions had to do with a</p> <p>11:56:19 9 request that came from Michael and/or Zane to make an</p> <p>11:56:25 10 appearance at a board of supervisors meeting supporting</p> <p>11:56:31 11 the food bank, in -- in general.</p> <p>11:56:34 12 I do believe it was part of the ramp-up</p> <p>11:56:37 13 conversation to SB 1383, but, in general, they -- as I</p> <p>11:56:45 14 recall, they were just asking me to make an appearance</p> <p>11:56:48 15 and advocate for the food bank's role and how important</p> <p>11:56:55 16 they were to us at the Mercy Coalition and that -- and</p> <p>11:56:57 17 that kind of advocacy, which I did endeavor to do on that</p> <p>11:57:02 18 day, and then the -- the board meeting went long, and I</p> <p>11:57:06 19 had to check out. But I was there for that purpose.</p> <p>11:57:08 20 Q. Okay. So you were trying to help support Yolo</p> <p>11:57:13 21 Food Bank's position in connection with SB 1383 at that</p> <p>11:57:17 22 time?</p> <p>11:57:17 23 A. I don't know that I fully understood SB 1383. I</p> <p>11:57:23 24 am not sure I still do, in some ways, but I -- the --</p> <p>11:57:29 25 because we were partners of the food bank, in my mind,</p>
<p style="text-align: right;">82</p> <p>11:54:48 1 shown in '21, you had already known Michael and were</p> <p>11:54:51 2 dealing with Michael in the context of the partnership;</p> <p>11:54:51 3 correct?</p> <p>11:54:53 4 A. Yes.</p> <p>11:54:53 5 Q. Okay. And you also knew Zane Hatfield, who was</p> <p>11:54:59 6 working for Yolo Food Bank as well; correct?</p> <p>11:55:03 7 A. Yes.</p> <p>11:55:03 8 Q. And you regularly interacted with both of them</p> <p>11:55:06 9 in the course of the partnership; correct?</p> <p>11:55:08 10 A. Yes, Zane --</p> <p>11:55:08 11 (Speaking simultaneously.)</p> <p>11:55:08 12 BY MR. SINGH:</p> <p>11:55:08 13 Q. Go ahead.</p> <p>11:55:10 14 A. I was going to say Zane from a programmatic</p> <p>11:55:12 15 standpoint; Michael, more often that we would run into</p> <p>11:55:16 16 each other at mixers or chamber events or things of this</p> <p>11:55:18 17 nature.</p> <p>11:55:18 18 Q. Got it.</p> <p>11:55:20 19 Interacting with Michael at the level of</p> <p>11:55:22 20 executive directors?</p> <p>11:55:23 21 A. Yes.</p> <p>11:55:23 22 Q. Okay. And interacting with Zane more on</p> <p>11:55:26 23 day-to-day programmatic issues?</p> <p>11:55:28 24 A. I think that would be correct, yes.</p> <p>11:55:30 25 Q. Okay. And in the course of these interactions,</p>	<p style="text-align: right;">84</p> <p>11:57:34 1 and I wanted to support their role in the county, I -- I</p> <p>11:57:39 2 agreed to their request to support and talk about the</p> <p>11:57:44 3 food bank's meaning to us and how important they were to</p> <p>11:57:48 4 us.</p> <p>11:57:51 5 Q. They had been a supportive partner to Mercy</p> <p>11:57:55 6 Coalition; correct?</p> <p>11:57:56 7 A. Yes, absolutely.</p> <p>11:57:56 8 Q. In fact, I scrolled to Bosley22, where you wrote</p> <p>11:58:05 9 this e-mail to Zane on July 28, 2021, at 5:57 p.m. Do</p> <p>11:58:08 10 you see it?</p> <p>11:58:08 11 A. Yes.</p> <p>11:58:09 12 Q. And in it you say, "Hi, Zane. Hope you're doing</p> <p>11:58:13 13 well. YFB's partnership helped us secure a Dignity</p> <p>11:58:17 14 Health community grant last year. I have attached last</p> <p>11:58:19 15 year's letter and would like to ask if you could, once</p> <p>11:58:22 16 again, provide us with a letter of support for Dignity,</p> <p>11:58:25 17 as we look to expand and grow those services." Do you</p> <p>11:58:27 18 see that?</p> <p>11:58:27 19 A. Yes.</p> <p>11:58:27 20 Q. Okay. And did Zane and Michael ultimately</p> <p>11:58:33 21 provide the letter that you requested?</p> <p>11:58:35 22 A. Yes.</p> <p>11:58:36 23 Q. Okay. And correct me if I'm wrong because I --</p> <p>11:58:42 24 earlier, when I asked you about whether there was a</p> <p>11:58:45 25 partnership in '21 and '22, you gave an answer that sort</p>

<p style="text-align: right;">89</p> <p>12:04:31 1 A. Formally? No. Oh, law? No.</p> <p>12:04:32 2 Q. And have you had any kind of certification</p> <p>12:04:35 3 course or any kind of training course on the regulations</p> <p>12:04:38 4 that applied to food bank or food collection operations?</p> <p>12:04:44 5 A. No.</p> <p>12:04:46 6 Q. Okay. Had you had any training on the laws and</p> <p>12:04:54 7 regulations that would apply to nonprofit leadership or</p> <p>12:05:00 8 execution of board duties?</p> <p>12:05:03 9 A. Not in any formal sense. It would have been</p> <p>12:05:12 10 self-study.</p> <p>12:05:15 11 Q. If you had done any self-studying on those</p> <p>12:05:19 12 topics, when would that have been?</p> <p>12:05:21 13 A. Well, there is an important dynamic here to</p> <p>12:05:29 14 understand. As a pastor of a West Sacramento church, we</p> <p>12:05:29 15 were technically a nonprofit -- well, not technically.</p> <p>12:05:37 16 We were a nonprofit and, therefore, had to be adherent to</p> <p>12:05:39 17 a lot of the nonprofit regulations and things.</p> <p>12:05:43 18 While I was still pastoring there is when the</p> <p>12:05:46 19 Mercy Coalition began in its pre-nonprofit form. So as</p> <p>12:05:52 20 we formalized as a nonprofit, we began to study the</p> <p>12:05:57 21 differences between what we knew about nonprofit</p> <p>12:05:59 22 management in a -- in a religious role versus what we</p> <p>12:06:06 23 were doing in a community-based organization role.</p> <p>12:06:10 24 So the answer -- the self-study related to food</p> <p>12:06:15 25 recovery and things would have been, you know, mid-2015,</p>	<p style="text-align: right;">91</p> <p>12:08:11 1 Q. Okay. And then, similarly, I just want to</p> <p>12:08:16 2 clarify: With Zane Hatfield, it appears that the only</p> <p>12:08:24 3 record you have of a text exchange with him was in and</p> <p>12:08:29 4 around March of 2022.</p> <p>12:08:31 5 A. Uh-huh. Similarly, Zane usually called, or I</p> <p>12:08:31 6 called him; so there just wasn't much texting that</p> <p>12:08:39 7 happened in those relationships.</p> <p>12:08:39 8 Q. Okay. Got it.</p> <p>12:08:47 9 Let's now focus in on the events that obviously</p> <p>12:08:53 10 are a significant focus for your -- in your declaration.</p> <p>12:09:02 11 It appears -- and let's start with this text message.</p> <p>12:09:05 12 It appears that, in and around March 2nd of 2022</p> <p>12:09:13 13 in the morning, you sent a text message to Zane that you</p> <p>12:09:15 14 got his message. I'm assuming we're seeing a truncated</p> <p>12:09:17 15 version of the message here. Looks like it's somehow</p> <p>12:09:20 16 dictated so there's a little bit of auto-voice</p> <p>12:09:23 17 recognition error in it, but it appears to be a</p> <p>12:09:27 18 transcribed message from Zane Hatfield, and then you're</p> <p>12:09:28 19 responding to it that you got his message, and you guys</p> <p>12:09:33 20 were going to try to connect with a call later that</p> <p>12:09:33 21 afternoon; is that correct?</p> <p>12:09:34 22 A. Yes.</p> <p>12:09:35 23 Q. And you did, indeed, connect with a call later</p> <p>12:09:38 24 that afternoon; correct?</p> <p>12:09:40 25 A. Yes.</p>
<p style="text-align: right;">90</p> <p>12:06:20 1 2013, ongoing through the end of that decade; so...</p> <p>12:06:26 2 Q. Okay. I'm moving down here to Bosley27. We're</p> <p>12:06:53 3 in the same exhibit. And you'll see -- I'm going to</p> <p>12:06:55 4 actually -- I think it goes in reverse chronology. It</p> <p>12:07:00 5 actually is a little bit all over, but understandably.</p> <p>12:07:03 6 So there's a series of text messages that you</p> <p>12:07:05 7 produced, some of which appear to be with Michael Bisch,</p> <p>12:07:11 8 and go from -- they go through Bosley33. So it's</p> <p>12:07:15 9 basically from Bosley27 through 33.</p> <p>12:07:20 10 So are these the only text messages that you</p> <p>12:07:23 11 have between yourself and Zane Hatfield and yourself and</p> <p>12:07:29 12 Michael Bisch?</p> <p>12:07:34 13 A. Yes.</p> <p>12:07:34 14 Q. So is it correct that your text messages with</p> <p>12:07:36 15 Michael Bisch, according to your records, include a few</p> <p>12:07:40 16 text messages in the fall of '21 and through December of</p> <p>12:07:44 17 '21, some of which appear to be about SB 1383 --</p> <p>12:07:49 18 A. Uh-huh.</p> <p>12:07:51 19 Q. -- and then it appears that you do not have --</p> <p>12:07:54 20 after the exchange in December 21st, the next text</p> <p>12:08:00 21 exchange you have with him isn't until March 3rd of '22?</p> <p>12:08:04 22 A. Uh-huh.</p> <p>12:08:05 23 Q. Is that correct?</p> <p>12:08:06 24 A. That is correct. Most of our interactions in</p> <p>12:08:09 25 that time were by phone.</p>	<p style="text-align: right;">92</p> <p>12:09:40 1 Q. Okay. And the call that you had that afternoon,</p> <p>12:09:56 2 who was on the call?</p> <p>12:09:57 3 A. Just Zane and I.</p> <p>12:10:00 4 Q. Okay. And what was the topic of the call?</p> <p>12:10:08 5 A. Zane was calling to see what our position was in</p> <p>12:10:16 6 regard to signing a contract for the City of West</p> <p>12:10:21 7 Sacramento for Edible Food Recovery.</p> <p>12:10:23 8 Q. And at the time when he called you, was it</p> <p>12:10:26 9 correct that you had had a long-standing partnership with</p> <p>12:10:30 10 YFB?</p> <p>12:10:30 11 A. Yes.</p> <p>12:10:31 12 Q. And --</p> <p>12:10:36 13 (Speaking simultaneously.)</p> <p>12:10:37 14 THE WITNESS: That I had exchanged several phone</p> <p>12:10:39 15 calls with Michael over the previous three, four,</p> <p>12:10:44 16 five months asking his thoughts on SB 1383, what Yolo</p> <p>12:10:52 17 County -- or what the food bank wanted to get done, and,</p> <p>12:10:55 18 ultimately, I would go back and talk to the City and the</p> <p>12:10:57 19 County. They would give me different accounts of how</p> <p>12:11:01 20 things were happening than what Michael would do. I</p> <p>12:11:04 21 would typically call Michael back.</p> <p>12:11:05 22 And so there were -- there were at least two or</p> <p>12:11:08 23 three phone calls where I initiated to Michael and said,</p> <p>12:11:11 24 "Hey, is this going to hurt you guys? Explain this to</p> <p>12:11:14 25 me." And -- and to his credit, he took the time to --</p>

<p style="text-align: right;">93</p> <p>12:11:17 1 to -- to -- you know, we spent a lot of time on the phone</p> <p>12:11:22 2 talking through those things.</p> <p>12:11:24 3 BY MR. SINGH:</p> <p>12:11:24 4 Q. Is it correct that Michael spent a lot of time</p> <p>12:11:26 5 explaining to you why he believed that it actually would</p> <p>12:11:30 6 be hurtful to WFB and also to the community to follow the</p> <p>12:11:32 7 County's position?</p> <p>12:11:32 8 A. What Michael explained to me was that -- you</p> <p>12:11:39 9 know, why the County's position was -- was wrong, and,</p> <p>12:11:44 10 you know, that, you know, the -- to my understanding, as</p> <p>12:11:48 11 Michael helped me understand it, you know, there was a</p> <p>12:11:53 12 certain cost that YF -- that came to Yolo Food Bank for</p> <p>12:11:59 13 them to sort of be the central figure in the Edible Food</p> <p>12:12:04 14 Recovery program, SB 1383 initiative, and the County did</p> <p>12:12:09 15 not agree with that cost, and he had evidence to the</p> <p>12:12:13 16 contrary, and so they went back and forth.</p> <p>12:12:16 17 We were sort of the little food bank in the</p> <p>12:12:18 18 middle and one of the -- or the little food pantry in the</p> <p>12:12:21 19 middle, one of several. But anyway, yes, he explained</p> <p>12:12:25 20 his position, and, you know, and we went back and forth</p> <p>12:12:29 21 on that through several phone calls.</p> <p>12:12:31 22 Q. So if I were to summarize, you were hearing</p> <p>12:12:35 23 Michael Bisch's viewpoint on -- or, essentially, Michael</p> <p>12:12:38 24 Bisch expressing YFB's viewpoint on the issues, and you</p> <p>12:12:43 25 were also hearing, on the other hand, the County and the</p>	<p style="text-align: right;">95</p> <p>12:13:53 1 thought anybody was doing anything unethical.</p> <p>12:13:55 2 Q. Did you understand -- did you start to</p> <p>12:13:59 3 appreciate or understand, one way or the other, as to</p> <p>12:14:02 4 whether or not, essentially, YFB and the County were in</p> <p>12:14:06 5 competition on some of these issues?</p> <p>12:14:09 6 A. I know what Michael told me on one hand, and I</p> <p>12:14:18 7 know what the County -- specifically the County told me</p> <p>12:14:23 8 on the other, and -- and I know that then Michael would</p> <p>12:14:27 9 say that's not a fact, and then, you know. So -- so I</p> <p>12:14:32 10 know what I was told. We're not a big enough nonprofit,</p> <p>12:14:38 11 and I'm not steeped enough in all of the details; so this</p> <p>12:14:42 12 is what I was trying to do, was discern the -- discern</p> <p>12:14:46 13 the difference and where the benefit -- the biggest</p> <p>12:14:49 14 benefit would be in that equation.</p> <p>12:14:50 15 Q. Totally makes sense what you're saying, but I</p> <p>12:14:53 16 want to go back because you kind of cut yourself off.</p> <p>12:14:53 17 You were saying, "Michael would tell me, on the</p> <p>12:14:53 18 one hand, that they weren't correct," and then you</p> <p>12:14:53 19 were -- I thought you were about to say what they would</p> <p>12:14:53 20 say. I'm curious. What would they say in reply? So</p> <p>12:14:53 21 Michael would tell you that they weren't correct, you</p> <p>12:15:06 22 would go back to them and tell them what he said, and</p> <p>12:15:07 23 what would they say in reply?</p> <p>12:15:20 24 (Reporter instruction.)</p> <p>12:15:21 25 THE WITNESS: Basically, as I recall it now, you</p>
<p style="text-align: right;">94</p> <p>12:12:46 1 City expressing their viewpoint to you on the same</p> <p>12:12:48 2 issues; correct?</p> <p>12:12:49 3 A. Yes, correct.</p> <p>12:12:49 4 Q. Who from the County and the City were you</p> <p>12:12:53 5 interfacing with, specifically by name? If you can</p> <p>12:12:56 6 provide those names, that would be helpful -- at that</p> <p>12:12:56 7 time.</p> <p>12:12:56 8 A. Yes. Most often, Marissa Juhler. And I do have</p> <p>12:13:05 9 a close relationship with Nolan Sullivan, who is now the</p> <p>12:13:10 10 HSA director in Yolo County. And I trust Nolan's</p> <p>12:13:15 11 judgment, and I would go to Nolan and go, "Hey, this is</p> <p>12:13:15 12 what I'm hearing from one side; this is what I'm hearing</p> <p>12:13:19 13 from another," and Nolan would help me parse out some of</p> <p>12:13:21 14 that.</p> <p>12:13:27 15 Q. Okay. At any point in time during that</p> <p>12:13:30 16 exchange, did you believe that Michael Bisch was doing</p> <p>12:13:34 17 anything unethical?</p> <p>12:13:35 18 A. I was not aware of it, no.</p> <p>12:13:35 19 Q. At any point in time, did you believe that</p> <p>12:13:38 20 anyone at YFB, including Zane Hatfield, was doing</p> <p>12:13:38 21 anything unethical in advocating their viewpoints on</p> <p>12:13:48 22 SB 1383 to you?</p> <p>12:13:48 23 A. I didn't think anybody on any side was doing</p> <p>12:13:51 24 something unethical. I just thought they had a vehement</p> <p>12:13:51 25 disagreement, but I had not reached the point where I</p>	<p style="text-align: right;">96</p> <p>12:15:25 1 know -- I want to make sure I characterize this correctly</p> <p>12:15:25 2 that -- even in some of my texts you can see that I'm</p> <p>12:15:32 3 like, "I want to make sure I'm not mischaracterizing what</p> <p>12:15:34 4 I'm hearing."</p> <p>12:15:36 5 But, you know, the food bank was willing to get</p> <p>12:15:43 6 the SB 1383 -- take that lead role for a certain amount</p> <p>12:15:47 7 of money. The County thought it was too much. There was</p> <p>12:15:51 8 a third-party analysis done, and, you know, Michael would</p> <p>12:15:57 9 point to that and go, "Here's evidence that what they're</p> <p>12:16:00 10 saying is untrue." And so, you know, you just kind of</p> <p>12:16:03 11 got this, this, and the -- and the County, long and short</p> <p>12:16:07 12 of it, is -- is, for whatever their reason was, said --</p> <p>12:16:12 13 you know, said, "Well, we're not" -- you know, "that's</p> <p>12:16:16 14 not the price we're willing to pay," and so they kind of</p> <p>12:16:19 15 came to an impasse on that. That was my understanding.</p> <p>12:16:21 16 BY MR. SINGH:</p> <p>12:16:22 17 Q. No, I understand that.</p> <p>12:16:23 18 But what specifically -- I'm assuming, because I</p> <p>12:16:26 19 thought you said -- and correct me if I'm wrong -- that</p> <p>12:16:30 20 you would hear Michael's viewpoint, and then you would go</p> <p>12:16:32 21 and talk to them.</p> <p>12:16:33 22 So my question is this: At any point in time,</p> <p>12:16:36 23 assuming that you did tell them what Michael was saying,</p> <p>12:16:39 24 in other words, for example, that there was data showing</p> <p>12:16:41 25 that what they were saying factually appeared to be</p>

<p style="text-align: right;">101</p> <p>12:21:20 1 but I'm just saying that's what he wanted; correct?</p> <p>12:21:23 2 A. Yes.</p> <p>12:21:23 3 Q. Okay. And at some point, did he raise the issue</p> <p>12:21:37 4 about -- is it correct that part of the component of the</p> <p>12:21:42 5 proposed -- one of the components of the proposed</p> <p>12:21:44 6 agreement from the City and County -- and, I guess,</p> <p>12:21:48 7 specifically from the City -- was that the food recovery,</p> <p>12:21:52 8 which you previously had been doing for free in your</p> <p>12:21:55 9 partnership with YFB -- that they were prepared to pay a</p> <p>12:22:00 10 certain amount to Mercy Coalition for food recovery? Is</p> <p>12:22:04 11 that correct?</p> <p>12:22:04 12 A. They were arranging to add an additional grocery</p> <p>12:22:11 13 store to our pick-ups. Grocery Outlet was the one we</p> <p>12:22:18 14 were discussing, and -- and for that, the -- the one-year</p> <p>12:22:23 15 contract for us, and -- and I believe the same -- well, I</p> <p>12:22:27 16 don't want to -- I don't think we were the only ones who</p> <p>12:22:30 17 got that offer -- was for \$26,000 for us to do that for a</p> <p>12:22:37 18 year.</p> <p>12:22:37 19 Q. And I'm not -- I'm not disputing nor trying to</p> <p>12:22:38 20 suggest something untoward on that.</p> <p>12:22:41 21 I'm just saying part of the proposal was that</p> <p>12:22:43 22 you would receive 26 -- Mercy Coalition. Not you --</p> <p>12:22:46 23 Mercy Coalition would receive \$26,000 in connection with</p> <p>12:22:49 24 food recovery; correct?</p> <p>12:22:50 25 A. Correct.</p>	<p style="text-align: right;">103</p> <p>12:24:15 1 partnership with them, at that point, according to you,</p> <p>12:24:19 2 without a contract or anything; correct?</p> <p>12:24:19 3 A. I meant there wasn't any contract saying YFB</p> <p>12:24:22 4 would give us money.</p> <p>12:24:23 5 Q. Sure. But what I'm saying is that also --</p> <p>12:24:25 6 according to you, the rest of your partnership had been</p> <p>12:24:28 7 operating without contract too, and they were providing</p> <p>12:24:30 8 you access to food; correct?</p> <p>12:24:32 9 A. I was merely making the point that, at this</p> <p>12:24:35 10 point of the conversation, it was just a general offer</p> <p>12:24:39 11 from either Zane or Michael or -- or almost kind of a</p> <p>12:24:43 12 whimsical, "Hey, maybe we should just pay you. We could</p> <p>12:24:47 13 probably arrange that," something to that effect. So</p> <p>12:24:49 14 that's all I'm saying. It hadn't reached any contractual</p> <p>12:24:53 15 stage in relation to money for services or anything like</p> <p>12:24:56 16 that.</p> <p>12:24:56 17 Q. Did we lose connection?</p> <p>12:25:16 18 A. I'm still here.</p> <p>12:25:17 19 Q. Can you hear me?</p> <p>12:25:18 20 A. I can.</p> <p>12:25:18 21 Q. Yeah, I just lost connection, and we got a --</p> <p>12:25:22 22 honestly, the new reality of being in the Bay Area is you</p> <p>12:25:25 23 never know weather conditions or otherwise. I'm looking</p> <p>12:25:29 24 outside of my window, and I don't see any tornados.</p> <p>12:25:33 25 MR. SINGH: But, Michael, did we lose connection</p>
<p style="text-align: right;">102</p> <p>12:22:50 1 Q. And previously, in your partnership with YFB,</p> <p>12:22:55 2 obviously, you were doing the food recovery without any</p> <p>12:22:56 3 compensation; correct?</p> <p>12:22:58 4 A. Correct.</p> <p>12:22:58 5 Q. During the phone call, did Mr. Hatfield -- in</p> <p>12:23:04 6 trying to, essentially, bring you into their camp and</p> <p>12:23:08 7 have you align with their position, did he offer that YFB</p> <p>12:23:13 8 would provide a similar amount of money to Mercy</p> <p>12:23:19 9 Coalition for food recovery?</p> <p>12:23:21 10 A. You know --</p> <p>12:23:25 11 Q. On that phone call, did he make that offer?</p> <p>12:23:27 12 A. I remember that offer or that suggestion being</p> <p>12:23:37 13 put out there; I just can't remember if it was that phone</p> <p>12:23:41 14 call, and I can't remember if it was Zane or Michael that</p> <p>12:23:43 15 said it. But YFB -- one of those guys did suggest</p> <p>12:23:47 16 vague -- I mean, generally -- there wasn't any contract</p> <p>12:23:49 17 or anything, but generally, they suggested that, you</p> <p>12:23:52 18 know, "we can provide" -- "maybe we should consider</p> <p>12:23:57 19 funding the pantries ourselves. We could do that," or</p> <p>12:24:00 20 "if it's all about" -- "yeah, if it's all about money,</p> <p>12:24:04 21 then we can" -- "we can" -- "we could meet that."</p> <p>12:24:07 22 Q. I want to come back to something you just said</p> <p>12:24:09 23 because you said, "Well, there wasn't any contract."</p> <p>12:24:11 24 Well, correct me if I'm wrong. According to</p> <p>12:24:12 25 your prior testimony, you had been operating in a</p>	<p style="text-align: right;">104</p> <p>12:25:36 1 on our end, or did anyone else lose connection on the</p> <p>12:25:39 2 other end?</p> <p>12:25:45 3 MR. TURPEN: Sanjiv, I think you maybe just cut</p> <p>12:25:45 4 out for a little bit.</p> <p>12:25:49 5 MR. SINGH: Yeah, so I'm trying to diagnose</p> <p>12:25:49 6 whether the issue is here in San Mateo, because there</p> <p>12:25:54 7 were intermittent outages here by my house, which is</p> <p>12:25:55 8 about 15 minutes away, last week that knocked out</p> <p>12:25:59 9 Internet for about five days, but I'm trying to figure</p> <p>12:26:01 10 out whether we have a significant problem or just a minor</p> <p>12:26:04 11 hiccup.</p> <p>12:26:04 12 You can hear me now?</p> <p>12:26:06 13 MR. TURPEN: We can hear you now. I think you</p> <p>12:26:09 14 just froze for a little bit and then started waving your</p> <p>12:26:11 15 arms.</p> <p>12:26:11 16 MR. SINGH: Yeah, yeah, yeah. Okay. I'll need</p> <p>12:26:16 17 some assistance from the court reporter as to where the</p> <p>12:26:17 18 last comprehensible part of my talking was before I cut</p> <p>12:26:17 19 off.</p> <p>12:26:59 20 (Record read.)</p> <p>12:26:59 21 BY MR. SINGH:</p> <p>12:26:59 22 Q. Okay. So just to follow through, Mr. Bosley,</p> <p>12:27:05 23 your -- according to you, you just don't remember when</p> <p>12:27:11 24 that statement was made, but you're not disputing that</p> <p>12:27:14 25 those statements were made regarding the possibility of</p>

<p style="text-align: right;">109</p> <p>12:33:19 1 purchase food, even at a discounted rate -- rate from</p> <p>12:33:24 2 Yolo Food Bank. That was our understanding. We assumed</p> <p>12:33:27 3 it because no mention was made of that being cut off.</p> <p>12:33:31 4 But the -- since YFB had set up the original</p> <p>12:33:36 5 food recovery program with Raley's and Nugget, we assumed</p> <p>12:33:42 6 that they also had the authority to turn off that spigot</p> <p>12:33:46 7 for us. We later learned that that was really not true,</p> <p>12:33:51 8 but that is -- that is the message that they gave us.</p> <p>12:33:54 9 Q. Sorry. What -- you said "turn off that spigot."</p> <p>12:33:59 10 What spigot?</p> <p>12:34:01 11 A. The ability to get food from Nugget and Raley's,</p> <p>12:34:05 12 recovered food that we would then reroute to our homeless</p> <p>12:34:07 13 clients and -- and those in great need around the state.</p> <p>12:34:10 14 Q. So, again, I want to go back to the question.</p> <p>12:34:15 15 You communicated to the City and the County</p> <p>12:34:20 16 effectively that Yolo Food Bank had cut off food access</p> <p>12:34:24 17 to Mercy Coalition.</p> <p>12:34:26 18 What I'm trying to explore with you is: Had you</p> <p>12:34:30 19 been cut off from any particular sites, or were you cut</p> <p>12:34:36 20 off from food access? So let me ask you this question.</p> <p>12:34:40 21 Was it your understanding, as of your phone call with</p> <p>12:34:43 22 Zane -- did you understand that your contract was being</p> <p>12:34:47 23 terminated with YFB?</p> <p>12:34:49 24 A. As of my phone call with Zane, I was told that</p> <p>12:34:57 25 the Yolo Food Bank board was pressuring him to -- to</p>	<p style="text-align: right;">111</p> <p>12:36:12 1 enter into that separate agreement with those entities;</p> <p>12:36:13 2 correct?</p> <p>12:36:13 3 A. Correct. We explored that possibility, yes.</p> <p>12:36:16 4 Q. And you did that despite the fact that YFB</p> <p>12:36:19 5 expressed their viewpoint that they didn't think that</p> <p>12:36:22 6 would be beneficial to your relationship with them;</p> <p>12:36:22 7 correct?</p> <p>12:36:27 8 A. Yes.</p> <p>12:36:27 9 Q. Okay. How is that -- how is YFB taking action</p> <p>12:36:36 10 to protect its interests unethical?</p> <p>12:36:41 11 MR. EHLERS: Objection. Vague. Calls for a</p> <p>12:36:43 12 legal conclusion.</p> <p>12:36:44 13 MR. TURPEN: Same objection.</p> <p>12:36:45 14 BY MR. SINGH:</p> <p>12:36:46 15 Q. You can answer as a layperson because it's my</p> <p>12:36:47 16 understanding you used the term "unethical" to describe</p> <p>12:36:51 17 the statements and what you viewed as the conduct of</p> <p>12:36:55 18 Michael Bisch and Zane Hatfield in these phone calls.</p> <p>12:36:57 19 So what was it either Zane or Michael did or</p> <p>12:37:01 20 said that was unethical?</p> <p>12:37:04 21 MR. EHLERS: Objection. Assumes facts not in</p> <p>12:37:07 22 evidence and argumentative.</p> <p>12:37:08 23 Answer if you can.</p> <p>12:37:09 24 MR. TURPEN: Same objections.</p> <p>12:37:17 25 (Speaking simultaneously.)</p>
<p style="text-align: right;">110</p> <p>12:35:05 1 communicate to us that they would consider taking away</p> <p>12:35:09 2 our food at -- our food access to Nugget and Raley's.</p> <p>12:35:15 3 As of the phone call with Zane, that was not in</p> <p>12:35:18 4 action yet; it was merely a threat hanging in the air.</p> <p>12:35:22 5 Q. You've used the word "threat."</p> <p>12:35:24 6 A. Yeah.</p> <p>12:35:25 7 Q. Did YFB -- you were in a partnership with YFB;</p> <p>12:35:25 8 correct?</p> <p>12:35:32 9 A. Yes.</p> <p>12:35:32 10 Q. And YFB -- Mercy Coalition, in the course of</p> <p>12:35:38 11 pursuing that partnership, takes steps to protect its</p> <p>12:35:41 12 interest; correct?</p> <p>12:35:43 13 A. What are you getting at? I'm --</p> <p>12:35:46 14 Q. I'm asking you a question.</p> <p>12:35:48 15 During the course of your partnership with YFB,</p> <p>12:35:50 16 you, as the executive director, take actions to protect</p> <p>12:35:52 17 the interests of Mercy Coalition; correct?</p> <p>12:35:54 18 A. Of course.</p> <p>12:35:55 19 Q. And you did; correct?</p> <p>12:35:59 20 MR. EHLERS: Objection. Vague.</p> <p>12:36:00 21 THE WITNESS: What are you referring to?</p> <p>12:36:01 22 BY MR. SINGH:</p> <p>12:36:02 23 Q. One of the actions that you took was to explore</p> <p>12:36:04 24 the possibility of an arrangement with the City of West</p> <p>12:36:11 25 Sacramento and the County, a separate agreement, and</p>	<p style="text-align: right;">112</p> <p>12:37:18 1 BY MR. SINGH:</p> <p>12:37:18 2 Q. Withdrawn. Withdrawn. Based on the objections,</p> <p>12:37:20 3 I am going to lay a little more foundation, and we're</p> <p>12:37:23 4 going to come back to that.</p> <p>12:37:24 5 So you -- you basically have talked about this</p> <p>12:37:28 6 phone call with Zane. Tell me the -- what exactly did</p> <p>12:37:32 7 Zane say, to the best of your recollection, in connection</p> <p>12:37:38 8 with Raley's and Nuggets? About your access to Raley's</p> <p>12:37:42 9 and Nuggets.</p> <p>12:37:45 10 A. To the best of my recollection, what Zane said</p> <p>12:37:49 11 clearly was, "Well, our board is asking me whether we</p> <p>12:37:57 12 shouldn't just cut you off entirely from Raley's and</p> <p>12:38:04 13 Nugget." I think the wording is more precise in an</p> <p>12:38:09 14 e-mail that I sent to my board -- that you have -- last</p> <p>12:38:13 15 March 30th or 31st where I recounted, sort of, the</p> <p>12:38:16 16 blow-by-blow of these things, and I believe I had Zane's</p> <p>12:38:17 17 wording in there pretty close to word for word.</p> <p>12:38:20 18 Q. Your recollection of his word?</p> <p>12:38:27 19 A. Yes.</p> <p>12:38:27 20 Q. At any point in describing your recollection of</p> <p>12:38:31 21 his wording, did you mention the offer to pay you for the</p> <p>12:38:35 22 food recovery?</p> <p>12:38:37 23 A. I don't remember that that was that -- part of</p> <p>12:38:41 24 that conversation. But whether it was or not, I did not</p> <p>12:38:43 25 mention it, no.</p>

<p style="text-align: right;">113</p> <p>12:38:44 1 Q. And, in fact, as you, I think, just said a few 12:38:48 2 minutes ago, you didn't even remember that until today, 12:38:50 3 until I refreshed your recollection on that; correct? 12:38:53 4 A. That's correct. 12:38:53 5 Q. So an entity is telling you that they're going 12:39:00 6 to limit your access or cut off your access to these 12:39:05 7 sites and telling you also that they're going to -- 12:39:06 8 they're trying to get you to align with their position 12:39:09 9 and offering you -- offering -- trying to offer 12:39:13 10 competitive terms similar to what the County was offering 12:39:16 11 you. Can you explain to me, how was that unethical? 12:39:23 12 MR. EHLERS: I am going to object. It's 12:39:25 13 argumentative, again, and misstates testimony. 12:39:27 14 Answer if you can. 12:39:28 15 MR. TURPEN: Same objection. And it's vague. 12:39:31 16 BY MR. SINGH: 12:39:32 17 Q. Withdrawn. 12:39:32 18 Did you, at any point in time, label the speech 12:39:35 19 or conduct of Zane Hatfield as unethical? Yes or no? 12:39:39 20 A. Yes. 12:39:39 21 Q. Did you, at any point in time, label the speech 12:39:42 22 or conduct of Michael Bisch as unethical? Yes or no? 12:39:46 23 A. Yes. 12:39:47 24 Q. Okay. So let's go back to your two yeses you 12:39:50 25 just gave, and I want to ask you why in both cases.</p>	<p style="text-align: right;">115</p> <p>12:41:42 1 threaten to cut off food for people because -- because 12:41:48 2 you're trying to strong-arm us into aligning with you, 12:41:52 3 that is unethical to me. When you say that Yolo Food 12:41:56 4 Bank is pressuring you to make that threat, I'll bet 12:42:01 5 everything I've got that that's a lie, and that is 12:42:04 6 unethical. So I hope that's concise enough for you, sir. 12:42:11 7 BY MR. SINGH: 12:42:11 8 Q. And so what evidence did you have that the Yolo 12:42:15 9 Food Bank board was not aligned with Mr. Hatfield's 12:42:19 10 position? 12:42:19 11 A. No evidence at all. No evidence at all. 12:42:21 12 But I know a couple of people on the board, and 12:42:24 13 I have always respected the food bank long before Michael 12:42:30 14 Bisch for its way that it did business of a high 12:42:32 15 character. And even -- I was just very, very 12:42:37 16 confident -- I have no evidence, but I'm confident in the 12:42:40 17 character of -- of the board and of the organization as a 12:42:44 18 whole. 12:42:44 19 Q. Were you aware that one of the board members of 12:42:51 20 Yolo Food Bank -- that their food pantry had opted out of 12:42:56 21 the proposed County and City of West Sac agreement? They 12:43:02 22 were not accepting it? Were you aware of that, that at 12:43:05 23 the very time that you were having this discussion with 12:43:07 24 Zane and you're saying you're confident that it's a lie 12:43:10 25 that the board was backing him up on this -- are you</p>
<p style="text-align: right;">114</p> <p>12:39:51 1 Why did you say that Zane Hatfield had acted 12:39:57 2 unethically? And please be as precise as possible. 12:40:01 3 MR. TURPEN: Objection. Argumentative. 12:40:04 4 MR. EHLERS: Same objection. 12:40:05 5 Answer if you can. 12:40:06 6 THE WITNESS: In my opinion -- and perhaps I 12:40:14 7 have a different standard of ethical than others. In my 12:40:21 8 opinion, when we have access to 9 1/2 tons of food that 12:40:26 9 we can reroute to people who are homeless, living on the 12:40:31 10 streets, people who have nothing, and because I disagree 12:40:38 11 with your interpretation and you're going to take that 12:40:42 12 away and you're going to hold yourself up as a champion 12:40:47 13 for food sustainability in our county while you're taking 12:40:52 14 9 1/2 tons of food a year out of a service provider's 12:40:56 15 hands because they won't back you in the way that you 12:40:59 16 want to, that is unethical. When you fail to recognize 12:41:05 17 that Yolo Food Bank is not the only partner that we have 12:41:10 18 to work with in this arrangement -- the City and the 12:41:16 19 County were also our partners. So in your view, the way 12:41:20 20 you're framing it, somebody was going to get screwed 12:41:24 21 in -- one of our partners. 12:41:26 22 I had to decide, and I decided the way that was 12:41:29 23 going to get me access to a third grocery store so I 12:41:32 24 could feed more people. Now, that may not have gone over 12:41:36 25 well with the food bank, but when you act -- when you</p>	<p style="text-align: right;">116</p> <p>12:43:14 1 aware that there were members of the board who had 12:43:17 2 declined entering into the same agreements with the City 12:43:22 3 and the County? 12:43:22 4 A. I was unaware. I was certainly aware that Jen 12:43:29 5 Engstrom, one of the board members who was willing to be 12:43:32 6 our partner -- and we were actively in discussions about 12:43:35 7 that. So, you know -- but I have no knowledge of what 12:43:43 8 other -- any other food pantries that were offered the -- 12:43:48 9 I have no knowledge of what they -- what they did or how 12:43:50 10 they -- 12:43:51 11 Q. And how did -- can you explain to me how did -- 12:43:54 12 because think now I have a better understanding of why 12:43:59 13 you used this term "unethical." 12:44:01 14 How were you, in fact, as a factual matter, cut 12:44:08 15 off from the other food services that were available to 12:44:11 16 you through your partnership with YFB, other than Raley's 12:44:15 17 and Nuggets? 12:44:19 18 MR. TURPEN: Objection. Vague. 12:44:19 19 THE WITNESS: I never thought that we were cut 12:44:21 20 off from those sources. 12:44:21 21 BY MR. SINGH: 12:44:21 22 Q. You were not; correct? You were not cut off 12:44:23 23 from the other food sources available to you through YFB; 12:44:29 24 correct? 12:44:29 25 A. Correct.</p>

<p style="text-align: right;">141</p> <p>14:28:11 1 speculation.</p> <p>14:28:11 2 But you can answer.</p> <p>14:28:12 3 MR. TURPEN: Same objections.</p> <p>14:28:16 4 BY MR. SINGH:</p> <p>14:28:17 5 Q. You can answer.</p> <p>14:28:17 6 A. Yeah, that was a pretty reasonable assumption.</p> <p>14:28:20 7 I assumed she answers to someone.</p> <p>14:28:21 8 Q. And when you sent it, that's, in fact, what you</p> <p>14:28:25 9 wanted to happen; correct?</p> <p>14:28:28 10 MR. TURPEN: Objection. Vague.</p> <p>14:28:37 11 (Speaking simultaneously.)</p> <p>14:28:39 12 MR. TURPEN: Argumentative.</p> <p>14:28:42 13 (Reporter clarification.)</p> <p>14:28:42 14 THE WITNESS: It was not what I wanted to</p> <p>14:28:44 15 happen; it was what I was pretty sure would happen. As I</p> <p>14:28:47 16 just said to you, it actually grieved me to know that it</p> <p>14:28:52 17 would happen and probably blow back on the food bank and</p> <p>14:28:56 18 Michael. That's not the same as wanting it to happen.</p> <p>14:29:00 19 BY MR. SINGH:</p> <p>14:29:00 20 Q. Interesting. So I have a question for you.</p> <p>14:29:03 21 If you knew that there was going to be blowback,</p> <p>14:29:05 22 as you just said, wouldn't it be important that the facts</p> <p>14:29:11 23 that you were putting in your e-mail were complete and</p> <p>14:29:14 24 accurate?</p> <p>14:29:20 25 MR. EHLERS: Objection. Misstates the witness's</p>	<p style="text-align: right;">143</p> <p>14:30:43 1 BY MR. SINGH:</p> <p>14:30:46 2 Q. I'm going to ask the question again because I</p> <p>14:30:49 3 keep getting these objections, which I'm not sure are</p> <p>14:30:52 4 applicable, but I want to work with Mr. Turpen's</p> <p>14:30:55 5 objections because I want this clean for the record.</p> <p>14:30:57 6 What steps did you take -- so I'm eliminating</p> <p>14:31:01 7 all qualifiers here. Just give me a simple answer, and</p> <p>14:31:05 8 if it's the same answer as what you gave previously,</p> <p>14:31:08 9 that's fine.</p> <p>14:31:08 10 What steps did you take from the time you got</p> <p>14:31:11 11 off the phone with Michael Bisch on March 3rd -- before</p> <p>14:31:18 12 you sent this e-mail on March 4th to Susan Strand, what</p> <p>14:31:22 13 steps did you take to make sure that the facts you put in</p> <p>14:31:25 14 the e-mail to Susan Strand were accurate?</p> <p>14:31:25 15 A. Same answer as previous.</p> <p>14:31:30 16 Q. Thank you.</p> <p>14:31:32 17 MR. TURPEN: Same objections.</p> <p>14:31:36 18 MR. SINGH: What -- what -- sorry. Can you</p> <p>14:31:38 19 explain to me the basis for your objections in the way I</p> <p>14:31:40 20 just worded it?</p> <p>14:31:42 21 MR. TURPEN: Yeah. You're --</p> <p>14:31:43 22 MR. SINGH: I don't understand. What's the</p> <p>14:31:44 23 basis for the objection?</p> <p>14:31:45 24 MR. TURPEN: Yeah, that's fine. I could explain</p> <p>14:31:47 25 my objections to you, but I'm still stating them for the</p>
<p style="text-align: right;">142</p> <p>14:29:23 1 previous testimony and is argumentative.</p> <p>14:29:26 2 Answer if you can.</p> <p>14:29:26 3 (Speaking simultaneously.)</p> <p>14:29:28 4 BY MR. SINGH:</p> <p>14:29:28 5 Q. Hold on. I am going to withdraw the question.</p> <p>14:29:30 6 I am going to ask it another way.</p> <p>14:29:32 7 You just said that you knew that there would be</p> <p>14:29:34 8 blowback; so my question to you is this: Since you knew</p> <p>14:29:36 9 that, per your own verbatim testimony, what steps did you</p> <p>14:29:42 10 take to ensure that the statements that you put in that</p> <p>14:29:46 11 e-mail were accurate?</p> <p>14:29:51 12 MR. TURPEN: Objection. Vague. Assumes facts.</p> <p>14:29:54 13 Argumentative.</p> <p>14:29:57 14 THE WITNESS: I put accurate facts in the</p> <p>14:30:00 15 e-mail. That's how I -- that's how I ensured it. I</p> <p>14:30:04 16 expressed our position and that we could not sign it. I</p> <p>14:30:07 17 expressed my dismay with the ongoing rift between the</p> <p>14:30:12 18 food bank and the jurisdictions and probably let out a</p> <p>14:30:19 19 little too much frustration in saying, "You know what?</p> <p>14:30:23 20 You guys figure it out. Get back to me. Somebody, in</p> <p>14:30:26 21 the meantime, tell me where I can get some food."</p> <p>14:30:29 22 And -- but that is the -- that comprised the</p> <p>14:30:35 23 e-mail that we sent. It was not meant to be a, you know,</p> <p>14:30:39 24 a manifesto on what the -- what the whole thing was all</p> <p>14:30:42 25 about.</p>	<p style="text-align: right;">144</p> <p>14:31:50 1 record, and there's no -- there's no need for us to</p> <p>14:31:51 2 engage in it. But it's --</p> <p>14:31:52 3 MR. SINGH: Okay. That's fine.</p> <p>14:31:53 4 MR. TURPEN: It's vague.</p> <p>14:31:53 5 (Speaking simultaneously.)</p> <p>14:31:54 6 MR. TURPEN: Okay. Sure.</p> <p>14:31:56 7 MR. SINGH: It's fine.</p> <p>14:31:57 8 MR. TURPEN: Great.</p> <p>14:31:58 9 MR. SINGH: That's fine.</p> <p>14:31:58 10 BY MR. SINGH:</p> <p>14:31:59 11 Q. So -- okay. Moving on.</p> <p>14:32:19 12 So you sent the e-mail to Susan Strand, and, I</p> <p>14:32:36 13 think, if I heard you correctly, you did not reach out to</p> <p>14:32:39 14 her again about that -- about the issues in the e-mail</p> <p>14:32:42 15 relating to Michael Bisch and YFB?</p> <p>14:32:45 16 A. That is correct.</p> <p>14:32:47 17 Q. But I think you said people started calling you?</p> <p>14:32:52 18 A. That is correct.</p> <p>14:32:55 19 Q. Almost -- within a very short period of time;</p> <p>14:32:55 20 correct?</p> <p>14:33:02 21 A. Over the following week, week and a half, yes.</p> <p>14:33:06 22 Maybe two weeks.</p> <p>14:33:06 23 Q. As you expect -- as you expected, because you</p> <p>14:33:10 24 expected there to be blowback; correct?</p> <p>14:33:12 25 A. I expected there would be some interest, yes.</p>

<p style="text-align: right;">145</p> <p>14:33:15 1 Q. And it's -- it's interesting because, in your --</p> <p>14:33:24 2 you refer to Susan Strand as "my contact at West</p> <p>14:33:29 3 Sacramento regarding SB 1383 funds." Can you explain to</p> <p>14:33:33 4 me what do you mean by that, "my contact at West</p> <p>14:33:37 5 Sacramento"?</p> <p>14:33:37 6 A. I didn't really mean anything other than she was</p> <p>14:33:43 7 the person that was -- I most talked to at the City about</p> <p>14:33:49 8 the logistics of a potential contract and the letter; so</p> <p>14:33:55 9 sometimes she and Marissa Juhler and others, maybe Traci</p> <p>14:34:01 10 once or twice, would -- would talk to me as a group.</p> <p>14:34:04 11 They would come visit. But -- but when it was just</p> <p>14:34:07 12 working with the City contract, that was just strictly</p> <p>14:34:10 13 Susan. So -- so really didn't mean anything by it other</p> <p>14:34:13 14 than that's who I'm talking to.</p> <p>14:34:15 15 Q. Okay. Is it correct that -- when did you hear</p> <p>14:34:19 16 from Supervisor Villegas about YFB?</p> <p>14:34:26 17 A. Supervisor Villegas called me later that</p> <p>14:34:29 18 afternoon, the afternoon of March 4th.</p> <p>14:34:31 19 Q. Same day?</p> <p>14:34:33 20 A. Yes.</p> <p>14:34:35 21 Q. And what did he say to you?</p> <p>14:34:40 22 A. I honestly cannot remember how it began, but I</p> <p>14:34:50 23 ended up sharing with him the -- what had gone on in the</p> <p>14:34:56 24 previous couple of days with -- with Zane and Michael</p> <p>14:35:00 25 phone calls and us being told that we didn't have our</p>	<p style="text-align: right;">147</p> <p>14:36:38 1 A. Yes, that is correct.</p> <p>14:36:39 2 Q. And what is your -- do you have a partner or</p> <p>14:36:42 3 spouse?</p> <p>14:36:42 4 A. I'm sorry. Please state it again.</p> <p>14:36:44 5 Q. Do you have a partner or spouse?</p> <p>14:36:46 6 A. Oh, yes. Yeah, my spouse, Melody.</p> <p>14:36:50 7 Q. So is it correct that you and Melody went to</p> <p>14:36:51 8 high school with Danny Ramos and have known him over many</p> <p>14:36:58 9 decades?</p> <p>14:36:58 10 A. Yes. We knew the Ramos family. Melody is a</p> <p>14:37:02 11 little older than me; so she and Danny were closer in</p> <p>14:37:02 12 class, but we worked on projects through the years,</p> <p>14:37:08 13 including the Collings Teen Center, getting that up and</p> <p>14:37:11 14 running and some other things; so yes, we've known Danny</p> <p>14:37:12 15 for a long time.</p> <p>14:37:12 16 Q. I have a question for you because you just said</p> <p>14:37:15 17 that, full disclosure, you and Supervisor Villegas know</p> <p>14:37:19 18 each other personally; correct?</p> <p>14:37:21 19 A. Yes.</p> <p>14:37:21 20 Q. And are long-time friends, correct?</p> <p>14:37:24 21 A. Yes.</p> <p>14:37:24 22 Q. You both have cell phones. Do you have each</p> <p>14:37:27 23 other's cell phone numbers? Correct?</p> <p>14:37:29 24 A. Yes, that's correct.</p> <p>14:37:30 25 Q. Did you produce text messages between you and he</p>
<p style="text-align: right;">146</p> <p>14:35:04 1 food pickups anymore, and -- and he was shocked, as I had</p> <p>14:35:13 2 been the day before, and thought the move was -- I</p> <p>14:35:19 3 remember him saying the word "brazen," that it was</p> <p>14:35:22 4 brazen. And -- and he was -- and he was -- he was</p> <p>14:35:29 5 pretty -- he was pretty dismayed by it all.</p> <p>14:35:31 6 Q. Did Supervisor Villegas have any kind of</p> <p>14:35:39 7 regulatory authority, to your knowledge, over Mercy</p> <p>14:35:42 8 Coalition or YFB?</p> <p>14:35:43 9 A. I don't think it was over the Mercy Coalition.</p> <p>14:35:47 10 I -- I can't speak for YFB.</p> <p>14:35:50 11 Q. What was your understanding of why he was</p> <p>14:35:52 12 calling you?</p> <p>14:35:52 13 A. Well, I assume because, in his -- in his role as</p> <p>14:36:03 14 a county supervisor, that the work that was being done on</p> <p>14:36:07 15 Edible Food Recovery and SB 1383, that some of that</p> <p>14:36:11 16 decision-making flowed through him.</p> <p>14:36:14 17 He also, in full disclosure, is a -- is a</p> <p>14:36:18 18 long-time friend. You know, we went to school in West</p> <p>14:36:21 19 Sac in the same era. And, anyway, we've known each other</p> <p>14:36:21 20 and worked on many, many, many projects through the years</p> <p>14:36:26 21 back when he was a city councilman; so...</p> <p>14:36:27 22 Q. Understand.</p> <p>14:36:31 23 Is it also correct that you are long-time</p> <p>14:36:33 24 friends with Dan Ramos? I think you referred to him as</p> <p>14:36:37 25 "Danny."</p>	<p style="text-align: right;">148</p> <p>14:37:35 1 related to this litigation in connection with my request</p> <p>14:37:38 2 for documents?</p> <p>14:37:40 3 A. Yes, I did. We did not have text messages about</p> <p>14:37:47 4 it. I was actually kind of surprised when I looked on</p> <p>14:37:51 5 there, and I don't kill my text messages. They're --</p> <p>14:37:54 6 they're not there. We didn't talk by text about this.</p> <p>14:37:57 7 Q. So let's spend a little bit of time here on</p> <p>14:38:04 8 Mr. Villegas. So how many years have you guys been close</p> <p>14:38:09 9 friends?</p> <p>14:38:10 10 A. Well, when I say "close friends," we don't</p> <p>14:38:17 11 vacation together, but we have worked together and -- you</p> <p>14:38:22 12 know, and known each other. We don't go out socially or</p> <p>14:38:23 13 anything like that, but it's through our work together</p> <p>14:38:25 14 that we have been together, and that -- that acquaintance</p> <p>14:38:30 15 or that friendship that's developed is probably 25 years.</p> <p>14:38:33 16 Q. That's a long time.</p> <p>14:38:36 17 So do you donate to his campaign?</p> <p>14:38:40 18 A. No.</p> <p>14:38:41 19 Q. Did you donate to any of the supervisors'</p> <p>14:38:46 20 campaigns?</p> <p>14:38:48 21 MR. TURPEN: Objection. Vague.</p> <p>14:38:51 22 BY MR. SINGH:</p> <p>14:38:51 23 Q. Is that a no?</p> <p>14:38:52 24 A. No, I did not.</p> <p>14:38:53 25 Q. Did you support his reelection in any way,</p>

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14:38:58 1 putting aside financial support?
 14:39:03 2 MR. TURPEN: Objection. Vague.
 14:39:04 3 THE WITNESS: No, other than, you know, voting
 14:39:07 4 for him, I guess.
 14:39:07 5 BY MR. SINGH:
 14:39:09 6 Q. Okay. What I mean is did you, for example, in
 14:39:11 7 any Mercy Coalition event, fundraiser, et cetera, do
 14:39:16 8 anything to promote Supervisor Villegas?
 14:39:18 9 A. No.
 14:39:19 10 Q. Okay. So when your friend Villegas called you,
 14:39:32 11 you told him what you told Susan Strand; is that correct?
 14:39:40 12 A. Yes.
 14:39:40 13 Q. And he called you that same afternoon. So I
 14:39:44 14 want to make sure I understand this.
 14:39:47 15 I think you're saying you guys have been friends
 14:39:49 16 for 25 years, but on that day, your only initial
 14:39:55 17 communication was with Susan Strand, and he happened to
 14:39:58 18 call you because he heard it from Susan, or he heard it
 14:40:02 19 from you? I'm confused.
 14:40:05 20 A. I don't -- I don't know. I don't know who he
 14:40:09 21 heard it from. The -- yeah, so I don't. But I did not
 14:40:15 22 reach out to him that day; he called me.
 14:40:17 23 Q. He just happened to hear about it
 14:40:23 24 coincidentally?
 14:40:24 25 A. No. I --

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14:40:26 1 MR. EHLERS: Objection. Argumentative. Asked
 14:40:27 2 and answered.
 14:40:28 3 THE WITNESS: I said I don't -- yeah.
 14:40:29 4 MR. TURPEN: Same objections.
 14:40:31 5 THE WITNESS: I said I don't know how he heard
 14:40:34 6 about it.
 14:40:34 7 BY MR. SINGH:
 14:40:35 8 Q. Okay. Did he -- actually, here's a question.
 14:40:37 9 When he spoke to you, did he tell you how he
 14:40:39 10 heard about it?
 14:40:40 11 A. No, he did not.
 14:40:44 12 Q. So you go on the phone with him, and he just
 14:40:52 13 happened to know? He didn't say, "Hey, I heard this was
 14:40:58 14 going on"?
 14:40:58 15 A. I do not remember how the conversation started.
 14:41:00 16 I truly don't.
 14:41:01 17 Q. But he called you?
 14:41:02 18 A. Yes.
 14:41:02 19 Q. So what did he say to you in response to what
 14:41:51 20 you told him?
 14:41:51 21 A. As I said, he was shocked and a bit of
 14:42:00 22 disbelief, thought the move was brazen, and was dismayed
 14:42:12 23 to hear about it.
 14:42:13 24 Q. Did he ask you any questions about whether or
 14:42:17 25 not you had been cut off from the other YFB channels of

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14:42:21 1 food?
 14:42:21 2 A. No, he did not.
 14:42:24 3 Q. And did you offer him any insights on that?
 14:42:28 4 A. No, I did not.
 14:42:32 5 Q. Did you inform him about the offer to pay you
 14:42:36 6 for food recovery that you indicated previously that you
 14:42:40 7 remembered either Michael Bisch or Zane Hatfield had made
 14:42:44 8 to you?
 14:42:45 9 A. I cannot recall if I shared that with him or
 14:42:48 10 not. I truly don't remember.
 14:42:55 11 Q. So after your -- anything else from the
 14:42:57 12 conversation with Mr. Villegas that you do remember?
 14:43:05 13 A. No.
 14:43:05 14 Q. So what did -- what did your friend Villegas say
 14:43:09 15 he was going to do?
 14:43:09 16 A. He didn't say he was going to do anything.
 14:43:15 17 Q. You said earlier, when you sent -- sent the
 14:43:21 18 e-mail to Susan Strand, that you knew there was going to
 14:43:24 19 be blowback; correct? Do you remember saying that?
 14:43:26 20 A. Uh-huh. I thought it was likely, yes.
 14:43:30 21 Q. Okay. So after Supervisor Villegas, your
 14:43:32 22 friend, called you, did you feel even more certain that
 14:43:38 23 there was going to be blowback?
 14:43:41 24 A. I continued to feel the same amount of
 14:43:47 25 likelihood that there would -- there would be trouble

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14:43:53 1 from it, yes.
 14:43:54 2 Q. What else -- do you have any other recollection
 14:43:58 3 that your friend Villegas indicated he was going to --
 14:44:01 4 that he was planning on doing? Did he mention anything
 14:44:05 5 to you at that time?
 14:44:06 6 A. He made no mention whatsoever of what he was
 14:44:12 7 going to do.
 14:44:16 8 Q. Okay. How did the call with your friend
 14:44:18 9 Villegas end?
 14:44:19 10 A. In the typical way. "Good-bye. See you later."
 14:44:27 11 Q. When was the next time you saw your friend
 14:44:30 12 Villegas after that?
 14:44:31 13 A. I don't know. I really -- I really don't. I
 14:44:41 14 don't recall an event or anything that came up anytime
 14:44:43 15 soon where I would have seen him.
 14:44:45 16 But we do cross paths at chamber events and
 14:44:50 17 things like this with some regularity. Probably every
 14:44:56 18 couple months I would run into him somewhere, but I don't
 14:44:58 19 recall a specific one. Sorry.
 14:44:58 20 Q. Okay. And then did you, at some point, speak
 14:45:03 21 also with West Sacramento City Manager Aaron Laurel?
 14:45:06 22 A. Yes.
 14:45:08 23 Q. When did that happen?
 14:45:10 24 A. That happened -- it was about a week later --
 14:45:19 25 well, let's see. Where is my -- man, I should have this

<p style="text-align: right;">153</p> <p>14:45:29 1 thing pulled up. If you give me just a moment, I'll give</p> <p>14:45:36 2 you an exact date.</p> <p>14:45:37 3 Q. Sure. What are you looking at, just so I know?</p> <p>14:45:41 4 A. The e-mail that I sent to my board on</p> <p>14:45:44 5 March 31st.</p> <p>14:45:45 6 Q. Sure. You can go ahead and look at that.</p> <p>14:45:46 7 A. That -- that kind of breaks down the</p> <p>14:45:48 8 step-by-step. Just one second. I'm sorry.</p> <p>14:46:23 9 March 11th.</p> <p>14:46:26 10 Q. Okay. And what did you tell -- or here, let me</p> <p>14:46:29 11 ask it another way.</p> <p>14:46:31 12 Did you tell Sacramento City Manager Aaron</p> <p>14:46:34 13 Laurel essentially the same story that you told Susan</p> <p>14:46:38 14 Strand?</p> <p>14:46:38 15 A. I told him the same story that I had told</p> <p>14:46:44 16 Supervisor Villegas, which was -- what I told Susan had</p> <p>14:46:48 17 no details in it. What I told Supervisor Villegas and</p> <p>14:46:53 18 what I told Aaron Laurel was the sequence of phone calls</p> <p>14:46:58 19 from Zane, the -- getting the call from Corkey that we</p> <p>14:47:05 20 had been cut off from the grocery stores, and then the</p> <p>14:47:08 21 follow-up conversation with Michael on those -- that</p> <p>14:47:11 22 whole sequence on March 2nd and 3rd. I shared that with</p> <p>14:47:15 23 both Supervisor Villegas and, a week later, with Aaron</p> <p>14:47:18 24 Laurel.</p> <p>14:47:19 25 Q. And did Aaron Laurel, to your knowledge -- or</p>	<p style="text-align: right;">155</p> <p>14:48:32 1 did he call you?</p> <p>14:48:32 2 A. It was my cell phone.</p> <p>14:48:36 3 Q. How did he get your cell phone number?</p> <p>14:48:39 4 A. I don't know. I -- I have dealt with Aaron on a</p> <p>14:48:46 5 number of issues through the years; so we have each</p> <p>14:48:49 6 other's cell phone numbers. I can't remember at which</p> <p>14:48:51 7 point we give them to each other, but --</p> <p>14:48:54 8 Q. Is he your friend too?</p> <p>14:48:56 9 A. I'm sorry. Say it again.</p> <p>14:48:57 10 Q. Is he your friend too?</p> <p>14:49:01 11 MR. TURPEN: Objection. Vague. Argumentative.</p> <p>14:49:03 12 And, Sanjiv, please just make sure you don't cut</p> <p>14:49:07 13 off the witness while he's speaking. It seems, from my</p> <p>14:49:08 14 perspective here, that you might be cutting off his</p> <p>14:49:12 15 answers.</p> <p>14:49:12 16 BY MR. SINGH:</p> <p>14:49:12 17 Q. Is he your friend too?</p> <p>14:49:13 18 A. We have good relationship -- we have good</p> <p>14:49:18 19 working relationship together.</p> <p>14:49:20 20 Q. That's not my question.</p> <p>14:49:23 21 Is he your friend?</p> <p>14:49:25 22 MR. TURPEN: Same objections.</p> <p>14:49:27 23 MR. EHLERS: I'll object that that's vague.</p> <p>14:49:29 24 But answer if you can.</p> <p>14:49:30 25 MR. SINGH: Nothing vague about that. "Friend"</p>
<p style="text-align: right;">154</p> <p>14:47:30 1 sorry.</p> <p>14:47:30 2 Did Aaron Laurel ask you any questions?</p> <p>14:47:32 3 A. I am sure he did. I don't remember what they</p> <p>14:47:40 4 were, but --</p> <p>14:47:41 5 Q. What did he -- what did he say he was going to</p> <p>14:47:46 6 do about it?</p> <p>14:47:48 7 MR. TURPEN: Objection. Vague. Assumes facts.</p> <p>14:47:49 8 BY MR. SINGH:</p> <p>14:47:50 9 Q. What did he say he was going to do about this</p> <p>14:47:52 10 situation?</p> <p>14:47:52 11 MR. TURPEN: Same objections.</p> <p>14:47:55 12 BY MR. SINGH:</p> <p>14:47:56 13 Q. Go ahead.</p> <p>14:47:56 14 A. Similarly, he did not say what he was going to</p> <p>14:47:59 15 do about it.</p> <p>14:48:00 16 Q. Did he have -- to your knowledge, did West</p> <p>14:48:04 17 Sacramento City Manager Aaron Laurel have any kind of</p> <p>14:48:07 18 regulatory oversight about the interactions between YFB</p> <p>14:48:11 19 and Mercy Coalition, to your knowledge, at that time?</p> <p>14:48:16 20 A. No.</p> <p>14:48:18 21 Q. Okay. And, you know, where it says, "I</p> <p>14:48:22 22 recounted the same information to West Sacramento City</p> <p>14:48:27 23 Manager Aaron Laurel," you called him, or he called you?</p> <p>14:48:27 24 A. He called me.</p> <p>14:48:28 25 Q. He called you on your cell phone, or he -- where</p>	<p style="text-align: right;">156</p> <p>14:49:32 1 is a plain English word.</p> <p>14:49:36 2 BY MR. SINGH:</p> <p>14:49:36 3 Q. Is he friend -- is he your friend? Simple</p> <p>14:49:36 4 question.</p> <p>14:49:37 5 A. I do consider --</p> <p>14:49:37 6 (Speaking simultaneously.)</p> <p>14:49:38 7 MR. EHLERS: I still think it's vague.</p> <p>14:49:40 8 BY MR. SINGH:</p> <p>14:49:40 9 Q. Go ahead. You do consider what?</p> <p>14:49:42 10 A. I do consider him to be a friend, not on -- with</p> <p>14:49:46 11 the same history or anything that I have with some of the</p> <p>14:49:47 12 others I've mentioned, but yes, we have worked together</p> <p>14:49:50 13 in a friendly manner; so I consider him a friend.</p> <p>14:49:53 14 Q. How long have you been friends with Aaron</p> <p>14:50:05 15 Laurel?</p> <p>14:50:07 16 A. I -- I first met Aaron in 2014. There was a</p> <p>14:50:14 17 particular -- he wasn't city manager yet, but there was a</p> <p>14:50:17 18 particular initiative we were working on and called</p> <p>14:50:21 19 "Bridge to Housing"; so that was when I first met Aaron.</p> <p>14:50:25 20 And over the years, I crossed paths with him a couple of</p> <p>14:50:28 21 different times before he became city manager; so...</p> <p>14:50:31 22 Q. So by that point in time, that would be -- 2014;</p> <p>14:50:42 23 so approximately eight years?</p> <p>14:50:44 24 A. I've known Aaron for eight years, yes.</p> <p>14:50:48 25 Q. Okay. And then, at some point, you also talked</p>

<p style="text-align: right;">157</p> <p>14:50:52 1 to Marissa Juhler; correct?</p> <p>14:50:58 2 A. Yes. I just can't remember when that was. But</p> <p>14:51:05 3 I don't feel like it was in the same time frame it was.</p> <p>14:51:09 4 But -- but yes, at some point, I did talk to Marissa as</p> <p>14:51:14 5 well.</p> <p>14:51:14 6 Q. When you -- when you sent the e-mail to Susan</p> <p>14:51:17 7 Strand, did you expect that she would forward that e-mail</p> <p>14:51:20 8 to people in the County?</p> <p>14:51:24 9 A. I -- I -- I expected that they would -- they</p> <p>14:51:29 10 would get it one way or another, whether from her</p> <p>14:51:32 11 directly or somebody else, because it was a collaborative</p> <p>14:51:34 12 effort on this food recovery program; so yes, I assumed</p> <p>14:51:38 13 it would reach the County.</p> <p>14:51:40 14 Q. Okay. So when Marissa Juhler -- when you were</p> <p>14:51:43 15 contacted -- and I'm assuming she contacted you. You</p> <p>14:51:46 16 didn't contact her; correct?</p> <p>14:51:47 17 A. Correct.</p> <p>14:51:47 18 Q. What did -- what did she say to you?</p> <p>14:51:51 19 A. The one thing I remember about the conversation</p> <p>14:51:58 20 with Marissa was that I thought she was being very, very</p> <p>14:52:07 21 cautious and careful with her words, and so it was a very</p> <p>14:52:11 22 matter-of-fact, even-keel conversation. And -- but I</p> <p>14:52:19 23 actually can't recall a single thing she said in the</p> <p>14:52:23 24 conversation; I just know we had it.</p> <p>14:52:25 25 Q. You can't recall a single thing that was said in</p>	<p style="text-align: right;">159</p> <p>14:53:45 1 done talk -- I'll try to be watchful of it. I am</p> <p>14:53:49 2 actually not trying to cut him off, but I get a trail</p> <p>14:53:50 3 off. I don't know if he can move closer. I will try to</p> <p>14:53:53 4 be watchful as well of doing that. But I am getting a</p> <p>14:53:56 5 trail off, and then it's like he -- I think he stops; so</p> <p>14:54:00 6 I will be more cognizant of that. Thank you.</p> <p>14:54:07 7 Okay. One moment here.</p> <p>14:54:20 8 MR. TURPEN: Sanjiv, while you're doing this,</p> <p>14:54:20 9 we've been going about an hour. Is now a good time for a</p> <p>14:54:23 10 break?</p> <p>14:54:24 11 MR. SINGH: Yeah. You guys, actually, that</p> <p>14:54:26 12 might be good because I am not -- around while you guys</p> <p>14:54:27 13 are waiting. You guys want to take a five, seven-minute</p> <p>14:54:30 14 break?</p> <p>14:54:32 15 MR. EHLERS: Sure. That's plenty for us.</p> <p>14:54:36 16 MR. TURPEN: Works for me.</p> <p>14:54:36 17 THE VIDEOGRAPHER: Okay. The time is 2:54.</p> <p>14:54:38 18 We're going off the record.</p> <p>15:10:03 19 (Off the record.)</p> <p>15:10:03 20 THE VIDEOGRAPHER: The time is 3:10, and we're</p> <p>15:10:14 21 back on the record.</p> <p>15:10:19 22 MR. SINGH: Okay. So I am going throw up a</p> <p>15:10:22 23 couple of exhibits in rapid sequence here so we can just</p> <p>15:10:26 24 get them, and this will hopefully streamline the</p> <p>15:10:26 25 remainder of the deposition. Let me drop it into the</p>
<p style="text-align: right;">158</p> <p>14:52:31 1 the conversation?</p> <p>14:52:31 2 A. I can't recall a single thing that she said in</p> <p>14:52:35 3 the conversation. I just --</p> <p>14:52:36 4 Q. What did you say in the conversation?</p> <p>14:52:38 5 A. I'm sorry?</p> <p>14:52:39 6 Q. What did you say in the conversation?</p> <p>14:52:41 7 A. I believe I shared with her the same sequence</p> <p>14:52:47 8 from March 2nd and 3rd and the surrounding dates as -- as</p> <p>14:52:51 9 I had with some of the other City officials and County</p> <p>14:52:56 10 officials.</p> <p>14:52:57 11 Q. For example, the same content -- same</p> <p>14:52:59 12 information that you shared with your friend Villegas?</p> <p>14:53:01 13 A. With Supervisor Villegas, yes.</p> <p>14:53:04 14 Q. Yeah, with your friend.</p> <p>14:53:07 15 So let me -- I am going to introduce a new</p> <p>14:53:12 16 exhibit, keep us moving.</p> <p>14:53:23 17 MR. EHLERS: Before you do that, Counsel, I will</p> <p>14:53:26 18 say for the record that, on that prior -- two questions</p> <p>14:53:30 19 ago, you did cut off the witness's answer again; so I</p> <p>14:53:33 20 would reiterate, like Mr. Turpen asked earlier, if you</p> <p>14:53:34 21 you would please let the witness finish his answers</p> <p>14:53:36 22 before you begin to speak. He's trying to do the same</p> <p>14:53:39 23 with you.</p> <p>14:53:40 24 MR. SINGH: You know, part of it is I think we</p> <p>14:53:42 25 are having -- he trails off at the end; so I think he's</p>	<p style="text-align: right;">160</p> <p>15:10:31 1 chat. So this is going to be marked -- Madam Court</p> <p>15:10:31 2 Reporter, I believe I am at Exhibit 7; is that correct?</p> <p>15:10:31 3 (Reporter clarification.)</p> <p>15:11:18 4 (Exhibit No. 7 marked for identification.)</p> <p>15:11:18 5 BY MR. SINGH:</p> <p>15:11:18 6 Q. Okay. I put in front of you what I have marked</p> <p>15:11:21 7 as Exhibit 7, and this is following some of the tranching</p> <p>15:11:25 8 that was done, but it's taken out of one of the tranches</p> <p>15:11:30 9 that your counsel produced to us.</p> <p>15:11:33 10 This is an e-mail that was sent by Susan Strand</p> <p>15:11:36 11 to you on the morning of March 18th, 2022; so this is a</p> <p>15:11:43 12 couple weeks after the initial interaction that prompted</p> <p>15:11:44 13 you to send her an e-mail.</p> <p>15:11:46 14 Do you see the e-mail in front of you on the</p> <p>15:11:47 15 share screen?</p> <p>15:11:48 16 A. I do.</p> <p>15:11:48 17 Q. And you recall receiving this e-mail?</p> <p>15:11:51 18 A. I think I do, yes.</p> <p>15:11:56 19 Q. Okay. And then you responded to it up here;</p> <p>15:11:56 20 correct?</p> <p>15:12:06 21 A. Yes, it looks like it, right.</p> <p>15:12:07 22 Q. Do you see on this last paragraph here it says,</p> <p>15:12:12 23 "As you might imagine, we feel quite caught in the middle</p> <p>15:12:15 24 of a larger fight here"?</p> <p>15:12:18 25 A. Uh-huh.</p>

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15:12:19 1 Q. So you recognized that there was a conflict
15:12:23 2 between YFB and some of the government entities about how
15:12:28 3 to handle SB 1383; correct?
15:12:30 4 A. Yes.
15:12:30 5 Q. And you said here, "I do feel badly for where
15:12:42 6 it's left you, Traci, Marissa, and your colleagues."
15:12:47 7 Can you explain to me why you felt badly for
15:12:50 8 them?
15:12:50 9 A. As I recall, I felt badly because they had
15:12:57 10 worked diligently over a period of months to put together
15:13:02 11 a program and a contract and felt like we were probably
15:13:08 12 on track to having that contract, and then the -- you
15:13:12 13 know, really, kind of, out of thin air, the rug got
15:13:16 14 pulled out from under that; so that -- I felt badly about
15:13:20 15 the -- the knee jerk to them.
15:13:21 16 Q. And am I correct, in this communication also,
15:13:26 17 from what I can see, you make no mention about options at
15:13:33 18 the YFB warehouse or the offer that had been made to pay
15:13:37 19 you for food recovery; in other words, that YFB offer to
15:13:41 20 pay you for food recovery? I don't see it in here.
15:13:44 21 A. I make no mention of the warehouse thing, as you
15:13:46 22 say.
15:13:47 23 And let's be clear. YFB did not make me an
15:13:52 24 offer to pay us for food recovery. YFB had mused out
15:13:58 25 loud about maybe they should think about just paying us.

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15:14:04 1 That's very different.
15:14:05 2 Q. You were negotiating the issues with YFB;
15:14:08 3 correct?
15:14:08 4 A. No. We were never --
15:14:12 5 Q. I thought you were -- let me make sure I
15:14:12 6 understand you.
15:14:13 7 Back in -- on March 3rd -- or March 2nd, I
15:14:20 8 believe you had said that you had not yet decided whether
15:14:25 9 you were going to sign the City contract.
15:14:27 10 A. Okay. I'm sorry. I thought you said I was
15:14:29 11 negotiating with YFB.
15:14:32 12 Yes, we -- we were in the final stages of
15:14:35 13 looking at that contract with the City, yes.
15:14:39 14 Q. Okay. And then as we scroll up here, she
15:14:48 15 responds to you, "Hi, Don. I'm so glad to hear that
15:14:57 16 Mercy Coalition access to food from Raley's and Nugget
15:15:01 17 has been restored." Do you see that?
15:15:04 18 A. Yes.
15:15:04 19 Q. Did you ever miss a pickup from Raley's and
15:15:07 20 Nugget? Did you actually ever miss --
15:15:10 21 A. No, we did not.
15:15:11 22 Q. And then right here it says, "I am also very
15:15:24 23 happy to hear that you have been very vocal about your
15:15:28 24 experience."
15:15:29 25 Is she referring to that single e-mail that you

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15:15:34 1 sent her?
15:15:35 2 MR. TURPEN: Objection. Vague. Calls for
15:15:36 3 speculation.
15:15:37 4 BY MR. SINGH:
15:15:37 5 Q. Let me withdraw and ask.
15:15:40 6 When she -- when you read this and she said, "I
15:15:43 7 am also happy to hear that you have been very vocal about
15:15:49 8 your experience," what was your understanding of what she
15:15:55 9 was referring to there?
15:15:57 10 A. I assume she meant that I was willing to speak
15:16:01 11 about it to anyone who wanted to ask me, which I think I
15:16:05 12 even reiterated here, yes, so...
15:16:07 13 Q. See here it says, "We felt the actions of YFB
15:16:13 14 were outrageous, but at the time, we wanted to respect
15:16:16 15 your privacy and not make your situation any worse"? Do
15:16:21 16 you see that?
15:16:21 17 A. Yes.
15:16:22 18 Q. Okay. You had contacted Susan Strand on
15:16:31 19 March 4th; correct?
15:16:35 20 A. Yes, that's correct.
15:16:35 21 Q. And then, same day, you got a phone call from
15:16:40 22 your friend Villegas; correct?
15:16:42 23 A. I got a phone call from Supervisor Villegas,
15:16:46 24 yes, I did.
15:16:46 25 Q. And you didn't know how your friend Villegas had

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15:16:48 1 heard about it; correct?
15:16:51 2 A. I do not recall, no.
15:16:53 3 Q. She says here, this sentence, "I think Marissa
15:17:08 4 is looking into if Feeding America rules have been
15:17:13 5 violated."
15:17:14 6 What was your understanding of what she was
15:17:16 7 saying there when you read this e-mail?
15:17:18 8 A. At the time, I didn't understand it because I
15:17:20 9 did not understand how Feeding America and that whole
15:17:23 10 network and everything worked. I really didn't; so...
15:17:26 11 Q. That's an important point; so -- what you just
15:17:29 12 said.
15:17:31 13 Did you understand the relationship of Feeding
15:17:34 14 America rules to Raley's and Nugget? Did you have any
15:17:39 15 understanding about that at all at this time?
15:17:40 16 A. I believe --
15:17:42 17 MR. TURPEN: Objection. Vague.
15:17:45 18 BY MR. SINGH:
15:17:45 19 Q. Withdrawn.
15:17:46 20 At this time, in March of 2022 -- at any point
15:17:51 21 in March of 2022, did you have an understanding as to
15:17:54 22 whether or not there were relevant Feeding America rules
15:17:58 23 that applied to Raley's and Nugget?
15:18:03 24 MR. EHLERS: I'll object that it's asked and
15:18:05 25 answered.

<p style="text-align: right;">165</p> <p>15:18:05 1 But answer again, if you can.</p> <p>15:18:07 2 THE WITNESS: Yes, you've asked me this already,</p> <p>15:18:09 3 and the answer is the same. No, I did not.</p> <p>15:18:28 4 MR. SINGH: Okay. So now I am going to</p> <p>15:18:30 5 introduce another exhibit. Let me drop it into the chat</p> <p>15:18:35 6 as well.</p> <p>15:18:39 7 MR. EHLERS: Wile you're doing that, Counsel,</p> <p>15:18:41 8 Exhibit 7 never showed up in the chat visible to me;</p> <p>15:18:45 9 so --</p> <p>15:18:45 10 MR. SINGH: Because I loaded it but forgot to</p> <p>15:18:48 11 press send. My apologies.</p> <p>15:18:51 12 And now you should see it. Do you see it?</p> <p>15:18:55 13 MR. EHLERS: I got it now. Yes, thank you.</p> <p>15:18:57 14 MR. SINGH: And I won't forget to press "send"</p> <p>15:18:59 15 on Exhibit 8.</p> <p>15:19:06 16 (Exhibit No. 8 marked for identification.)</p> <p>15:19:06 17 MR. SINGH: Okay.</p> <p>15:19:07 18 MR. EHLERS: Got it. Thank you.</p> <p>15:19:08 19 BY MR. SINGH:</p> <p>15:19:08 20 Q. Do you see Exhibit 8 in front of you, which</p> <p>15:19:10 21 we're marking as Exhibit 8 for this deposition?</p> <p>15:19:12 22 A. Yes, I do.</p> <p>15:19:17 23 Q. So this was \$80,000 in funding that was awarded</p> <p>15:19:27 24 to Mercy Coalition; correct?</p> <p>15:19:34 25 A. That is correct.</p>	<p style="text-align: right;">167</p> <p>15:21:16 1 about a lawsuit that Michael Bisch has filed against YFB</p> <p>15:21:21 2 for his termination; correct?</p> <p>15:21:27 3 A. I don't remember when I learned about it, but</p> <p>15:21:30 4 whenever it was on the news, that's when I learned about</p> <p>15:21:32 5 it.</p> <p>15:21:33 6 Q. And within a -- just to be clear on chronology,</p> <p>15:21:38 7 from the time that you sent the e-mail to Susan Strand on</p> <p>15:21:44 8 March 1, 2022, within two to three months after that,</p> <p>15:21:50 9 Michael Bisch was terminated from YFB; correct?</p> <p>15:21:54 10 A. I don't know the exact time of his termination,</p> <p>15:21:57 11 but somewhere in that neighborhood, yes.</p> <p>15:22:00 12 Q. How did you first learn of his termination?</p> <p>15:22:02 13 A. How did I learn of it? It was a news item that</p> <p>15:22:14 14 moved somewhere that somebody sent me a link, and I</p> <p>15:22:17 15 honestly can't remember who, and -- so it was -- it was a</p> <p>15:22:22 16 news link by -- by some local news outlet.</p> <p>15:22:27 17 Q. Did Danny Ramos send you the news link?</p> <p>15:22:31 18 A. No, no.</p> <p>15:22:32 19 Q. Did Danny Ramos talk to you about the</p> <p>15:22:37 20 termination of Michael Bisch?</p> <p>15:22:44 21 MR. EHLERS: Objection. Vague. Vague as to</p> <p>15:22:44 22 time.</p> <p>15:22:47 23 MR. TURPEN: Same objections.</p> <p>15:22:47 24 BY MR. SINGH:</p> <p>15:22:47 25 Q. At any point in 2022, frankly. At any point in</p>
<p style="text-align: right;">166</p> <p>15:19:34 1 Q. And it's ARP funds; right?</p> <p>15:19:39 2 A. That is correct.</p> <p>15:19:40 3 Q. And it was awarded through County of Yolo;</p> <p>15:19:40 4 correct?</p> <p>15:19:48 5 A. That is also correct.</p> <p>15:19:50 6 Q. Whose office first informed you about this</p> <p>15:19:52 7 award? Which office first informed you about this award?</p> <p>15:19:56 8 A. I believe I first heard about it at a -- yes, at</p> <p>15:20:09 9 a homeless resource fair that was attended by Supervisor</p> <p>15:20:16 10 Villegas's staff, and they congratulated me thinking I</p> <p>15:20:19 11 already knew about the award, but I had not heard about</p> <p>15:20:24 12 it yet. So that was the first -- that was the first --</p> <p>15:20:28 13 it was his staffers who -- who made me aware.</p> <p>15:20:30 14 Q. So just so I understand this correctly -- so you</p> <p>15:20:34 15 have this conflict with YFB in March of '22; correct?</p> <p>15:20:43 16 Correct?</p> <p>15:20:44 17 A. Yes.</p> <p>15:20:44 18 Q. You get immediately called by your friend</p> <p>15:20:47 19 Villegas on the same day that you send the e-mail to</p> <p>15:20:52 20 Susan Strand. Same day, you get contacted by your friend</p> <p>15:20:56 21 Villegas; correct?</p> <p>15:20:59 22 A. Yes, I was contacted the same day by Supervisor</p> <p>15:21:03 23 Villegas.</p> <p>15:21:03 24 Q. Okay. And you are then, during the course of</p> <p>15:21:09 25 the summer, during August -- August of '22, you learn</p>	<p style="text-align: right;">168</p> <p>15:22:51 1 2022, did Danny Ramos talk to you about the termination</p> <p>15:22:55 2 of Michael Bisch?</p> <p>15:22:56 3 A. At no point in 2022 did Danny talk to me about</p> <p>15:23:00 4 the termination of Michael Bisch. He reached out to me</p> <p>15:23:05 5 to try and meet with me and Michael to try and smooth</p> <p>15:23:10 6 things over after the initial flap and arranged a lunch</p> <p>15:23:14 7 that Michael and I attended with my program manager,</p> <p>15:23:19 8 Nicole Ring-Collins, and his efforts, at that time, were</p> <p>15:23:24 9 focused on trying to calm the landscape down and get</p> <p>15:23:30 10 everybody working together again. But at no point in my</p> <p>15:23:34 11 interaction with Danny did he ever talk to me about</p> <p>15:23:37 12 Michael's termination or possible termination.</p> <p>15:23:39 13 Q. Okay. I'll come back to that in a moment.</p> <p>15:23:42 14 So just to get the sequence of events right --</p> <p>15:23:45 15 so you send the e-mail to Susan Strand. Villegas</p> <p>15:23:50 16 contacts you. Ultimately, at some point, you learn about</p> <p>15:23:54 17 the termination of Michael Bisch. And at some point, you</p> <p>15:23:59 18 learn about the lawsuit that's been filed by Michael</p> <p>15:24:03 19 Bisch against YFB; correct?</p> <p>15:24:05 20 A. Yes.</p> <p>15:24:05 21 Q. Okay. And then, at some point, in the fall of</p> <p>15:24:12 22 '22, from the staff of Villegas's office, you learn of an</p> <p>15:24:21 23 \$80,000 award of ARP funds to Mercy Coalition; right?</p> <p>15:24:29 24 MR. EHLERS: Objection. Vague as to time.</p> <p>15:24:30 25 You can answer.</p>

<p style="text-align: right;">173</p> <p>15:30:36 1 (Exhibit No. 10 marked for identification.)</p> <p>15:30:36 2 BY MR. SINGH:</p> <p>15:30:36 3 Q. Okay. So we have an exhibit here that has a</p> <p>15:30:39 4 collection of e-mails, and it goes from Bosley212 to</p> <p>15:30:51 5 Bosley236. I am going to start with e-mails that were</p> <p>15:30:58 6 closer to the time of when you first had the interactions</p> <p>15:31:05 7 with Zane Hatfield and Michael Bisch.</p> <p>15:31:13 8 So it appears that, on the evening of March 3rd,</p> <p>15:31:16 9 you sent an e-mail to your board; correct?</p> <p>15:31:22 10 A. Yes.</p> <p>15:31:23 11 Q. And that's shown here in the exhibit, March 3rd</p> <p>15:31:26 12 at 5:43 p.m.; correct?</p> <p>15:31:30 13 A. Yes.</p> <p>15:31:31 14 Q. Did you, in any way, explore or discuss the</p> <p>15:31:44 15 issue of whether or not there was access to other YFB</p> <p>15:31:49 16 food sources other than Raley's or Nugget in this e-mail</p> <p>15:31:54 17 exchange?</p> <p>15:31:55 18 A. To YFB food sources?</p> <p>15:31:59 19 Q. Yes, like the warehouse.</p> <p>15:32:01 20 A. No, I did not.</p> <p>15:32:02 21 Q. Okay. And right down here, you say, "I'll leave</p> <p>15:32:16 22 the cat fight to YFB and the government entities."</p> <p>15:32:20 23 This is -- when you wrote this, you were</p> <p>15:32:22 24 conveying to the board that your view was that there were</p> <p>15:32:26 25 competing interests that were being played out in a</p>	<p style="text-align: right;">175</p> <p>15:33:58 1 remember.</p> <p>15:33:58 2 Q. Did you let your board know that you were</p> <p>15:34:02 3 talking on March 4th to Villegas?</p> <p>15:34:03 4 A. You mean after the fact?</p> <p>15:34:08 5 Q. Yeah. In other words, after you had the</p> <p>15:34:09 6 conversation with Villegas, did you -- did let your board</p> <p>15:34:12 7 know that you did that?</p> <p>15:34:14 8 A. I believe I did.</p> <p>15:34:15 9 Q. Okay. And so you sent them an e-mail update on</p> <p>15:34:21 10 Saturday morning, March 5th; correct?</p> <p>15:34:26 11 A. Yes, that is correct.</p> <p>15:34:27 12 Q. And you said -- I think this is consistent with</p> <p>15:34:30 13 your notion of what you had described as "blowback"</p> <p>15:34:33 14 before. You said, "Predictively, word got around fast</p> <p>15:34:40 15 yesterday." Do you see this? March 5, 2022 -- 2022?</p> <p>15:34:41 16 A. Yes.</p> <p>15:34:42 17 Q. And by the way, I just want to be clear.</p> <p>15:34:46 18 You write all of your own e-mails; right? You</p> <p>15:34:47 19 don't have an assistant who writes for you. You write</p> <p>15:34:47 20 all of this?</p> <p>15:34:48 21 A. Yes.</p> <p>15:34:50 22 Q. Okay. So these are all your words.</p> <p>15:34:53 23 So here it says, "I received an afternoon call</p> <p>15:34:56 24 from County Supervisor Oscar Villegas, a long-time friend</p> <p>15:35:04 25 and supporter. Oscar affirmed that Michael has</p>
<p style="text-align: right;">174</p> <p>15:32:29 1 conflict between YFB and the government entities;</p> <p>15:32:32 2 correct? That's what you were communicating to your</p> <p>15:32:34 3 board?</p> <p>15:32:35 4 A. Yes.</p> <p>15:32:37 5 Q. And you felt like Mercy Coalition was caught in</p> <p>15:32:41 6 the middle of it?</p> <p>15:32:41 7 A. Yes.</p> <p>15:32:44 8 Q. Okay. Scroll up.</p> <p>15:32:44 9 So your board -- I can see there's some -- is</p> <p>15:33:09 10 Jennifer LeGrand one of your board members?</p> <p>15:33:12 11 A. Yes, she is.</p> <p>15:33:13 12 Q. And Anna Darzins is also? I believe you</p> <p>15:33:17 13 mentioned her by name as a board member?</p> <p>15:33:17 14 A. Yes.</p> <p>15:33:17 15 Q. Okay. So they're just responding, essentially,</p> <p>15:33:21 16 acknowledging receipt of your e-mail and encouraging your</p> <p>15:33:25 17 efforts; correct?</p> <p>15:33:38 18 A. Yes.</p> <p>15:33:38 19 Q. Okay. Did they know that you had sent an e-mail</p> <p>15:33:38 20 to Susan Strand, ultimately? I know you haven't sent it</p> <p>15:33:40 21 on March 3rd. But when you sent the e-mail to Susan</p> <p>15:33:43 22 Strand, did you forward a copy of that e-mail to your</p> <p>15:33:45 23 board?</p> <p>15:33:45 24 A. I don't recall that I did. I -- I don't believe</p> <p>15:33:54 25 I did. I suppose it's possible. I can't really</p>	<p style="text-align: right;">176</p> <p>15:35:08 1 essentially gone off the rails, completely driven by</p> <p>15:35:14 2 greed and a power grab. Like City partners who I've</p> <p>15:35:22 3 informed earlier in the day, Oscar was shocked by</p> <p>15:35:24 4 Michael's brazen decision to cut off our access to food</p> <p>15:35:26 5 recovery. He spent 30 minutes on the phone chronicling</p> <p>15:35:37 6 the facts of the Wednesday and Thursday in directions</p> <p>15:35:40 7 with YFB, and the whole board of supervisors will be</p> <p>15:35:42 8 digging into this."</p> <p>15:35:45 9 Earlier, I asked you about your recollection</p> <p>15:35:46 10 about what you spoke to Oscar Villegas about. Does this</p> <p>15:35:52 11 refresh your recollection as to what you spoke to Oscar</p> <p>15:35:57 12 Villegas about?</p> <p>15:35:58 13 A. Yes.</p> <p>15:35:59 14 Q. Okay. So let's walk through it. Hopefully, we</p> <p>15:36:03 15 get a little more detail.</p> <p>15:36:05 16 So just to be clear -- because I am confused by</p> <p>15:36:09 17 timing here in some of these statements -- you sent an</p> <p>15:36:12 18 e-mail to Susan Strand on March 4th, 2022; correct?</p> <p>15:36:14 19 A. Correct.</p> <p>15:36:16 20 Q. And that was the first ever communication you</p> <p>15:36:18 21 had had with City of West Sacramento about your</p> <p>15:36:24 22 dissatisfaction and views about your interaction with YFB</p> <p>15:36:28 23 and your perception of what had happened with Zane</p> <p>15:36:32 24 Hatfield and Michael Bisch; correct?</p> <p>15:36:34 25 A. Yes. That was my first interaction or sharing</p>

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15:36:39 1 **the broad scope of what had happened on March 2nd and**
 15:36:43 2 **3rd, yes.**
 15:36:43 3 Q. Within hours of sending that e-mail, you got a
 15:36:46 4 call from Oscar Villegas; correct?
 15:36:51 5 **A. Yes.**
 15:36:51 6 Q. And you hadn't -- according to what you said,
 15:36:57 7 you hadn't spoken to him prior to that about Michael
 15:37:02 8 Bisch; correct?
 15:37:03 9 **A. Yes.**
 15:37:04 10 Q. Or about Zane Hatfield; correct?
 15:37:07 11 **A. Yes.**
 15:37:08 12 Q. So when it says here, "Oscar affirmed that
 15:37:12 13 Michael has essentially gone off the rails, completely
 15:37:17 14 driven by greed and a power grab," what source of
 15:37:21 15 information -- I'm trying to figure out, in your
 15:37:25 16 conversation between the two of you, what's your
 15:37:27 17 recollection of what facts he was relying on to -- to
 15:37:32 18 make those conclusions that you're summarizing here?
 15:37:36 19 **A. I have -- I assume what he is affirming was my**
 15:37:42 20 **view at that point, like where I'm going, what's going**
 15:37:46 21 **on. I feel like we've gone -- you know, something is**
 15:37:50 22 **going crazy here, and -- and he affirmed that he felt**
 15:37:56 23 **that, in their interactions with -- with YFB and with**
 15:38:01 24 **Michael, that, you know, this was -- this was the**
 15:38:07 25 **behavior he had been witnessing -- or maybe not**

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15:38:11 1 **witnessing but at least been privy to.**
 15:38:14 2 Q. I am confused.
 15:38:16 3 What other -- is there some other behavior?
 15:38:18 4 **A. In their -- in the County's ongoing discussions**
 15:38:24 5 **or negotiations or battles around SB 1383, there just had**
 15:38:36 6 **been Oscar's view that this -- this had been -- this had**
 15:38:39 7 **been Michael's behavior.**
 15:38:41 8 Q. When you say "this had been Michael's behavior,"
 15:38:45 9 what was "this"?
 15:38:45 10 **A. The behavior described here, that he was being**
 15:38:48 11 **driven by greed and a power grab.**
 15:38:51 12 Q. Greed for what?
 15:38:52 13 **A. Well --**
 15:38:59 14 MR. EHLERS: I'll object to the extent that
 15:39:01 15 calls for speculation.
 15:39:01 16 But if you know.
 15:39:03 17 BY MR. SINGH:
 15:39:03 18 Q. Yeah, let me rephrase that.
 15:39:04 19 What was your understanding of the greed to
 15:39:06 20 which Mr. Villegas was referring to?
 15:39:08 21 **A. I assume he meant that the -- YFB wanted all the**
 15:39:15 22 **money, you know, or a lot of money. More money than the**
 15:39:19 23 **County was willing to -- to give him, so...**
 15:39:21 24 Q. When you were having this conversation with
 15:39:29 25 Mr. Villegas, did you have any concerns as to whether or

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15:39:37 1 **not you and Mr. Villegas were acting improperly?**
 15:39:41 2 **A. No.**
 15:39:47 3 Q. He's an elected official; correct? At that
 15:39:50 4 time, you knew that.
 15:39:50 5 **A. Yes.**
 15:39:51 6 Q. And you've also previously testified that he was
 15:39:53 7 your friend; correct?
 15:39:57 8 MR. EHLERS: Objection. Misstates the
 15:39:58 9 testimony.
 15:39:59 10 But go ahead and answer.
 15:40:00 11 THE WITNESS: Yes, he is my --
 15:40:02 12 MR. TURPEN: Same objections.
 15:40:04 13 THE WITNESS: He is my work friend in the same
 15:40:06 14 way that I considered Michael and Zane to be my work
 15:40:09 15 friends prior to this incident; so yes, that's on the
 15:40:12 16 same level, that's correct.
 15:40:13 17 BY MR. SINGH:
 15:40:25 18 Q. Did you have any concern, as you were having
 15:40:27 19 this conversation with Villegas, that your conversation
 15:40:33 20 with this elected official would have blowback on Michael
 15:40:40 21 Bisch? on his employment?
 15:40:42 22 MR. EHLERS: Objection. Vague.
 15:40:43 23 You can answer.
 15:40:45 24 MR. TURPEN: Same objection.
 15:40:45 25 ///

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15:40:46 1 BY MR. SINGH:
 15:40:46 2 Q. Let me rephrase it.
 15:40:47 3 You, right here, narrated a conversation between
 15:40:49 4 yourself and Mr. Villegas about your interactions with
 15:40:52 5 Michael Bisch; correct?
 15:40:54 6 **A. Uh-huh.**
 15:40:54 7 Q. Is that a yes?
 15:40:56 8 **A. Yes. Sorry.**
 15:40:57 9 Q. That's okay.
 15:40:59 10 And you're narrating this to your board;
 15:40:59 11 correct?
 15:41:03 12 **A. Yes.**
 15:41:03 13 Q. When you were having the conversation with
 15:41:09 14 Mr. Villegas on March 4th, did you have a concern that
 15:41:16 15 the conversation you were having with this elected
 15:41:19 16 official could have a direct effect on the job of Michael
 15:41:24 17 Bisch?
 15:41:24 18 **A. When I had the conversation with Mr. Villegas, I**
 15:41:28 19 **had a concern that Michael's actions towards us the**
 15:41:33 20 **previous couple of days would have a negative effect on**
 15:41:36 21 **him and on the food bank. It wasn't just about Michael.**
 15:41:41 22 **At the moment, the -- at that moment, the food bank**
 15:41:44 23 **itself was also under fire because of that behavior; so**
 15:41:48 24 **yes, I was concerned about all of that.**
 15:41:51 25 Q. Did you have any knowledge about the private

<p style="text-align: right;">181</p> <p>15:41:55 1 dialogue of the YFB board as to how they perceived the</p> <p>15:42:00 2 actions of the County and the Cities?</p> <p>15:42:05 3 MR. EHLERS: Objection. Vague, and vague as to</p> <p>15:42:06 4 time.</p> <p>15:42:06 5 You can answer.</p> <p>15:42:07 6 BY MR. SINGH:</p> <p>15:42:07 7 Q. Did you have any knowledge at that time? Had</p> <p>15:42:10 8 anyone disclosed to you any details about how members of</p> <p>15:42:13 9 the YFB board actually viewed the action of the City</p> <p>15:42:14 10 and/or the County?</p> <p>15:42:15 11 A. None whatsoever. I'm sorry. Let me -- let me</p> <p>15:42:25 12 amend.</p> <p>15:42:27 13 Michael himself, when we would have</p> <p>15:42:30 14 conversations, would characterize the board as also being</p> <p>15:42:36 15 upset with the -- with the City, the County, the -- well,</p> <p>15:42:41 16 the jurisdictions for how they were interpreting SB 1383</p> <p>15:42:45 17 and how the funds were to be distributed. So that --</p> <p>15:42:49 18 I -- that was the only view into the YFB board's</p> <p>15:42:53 19 thinking, was what Michael sort of shared with me in</p> <p>15:42:56 20 passing in our conversations.</p> <p>15:43:01 21 Q. Did you believe that was a truthful statement?</p> <p>15:43:03 22 Did you believe Michael Bisch was telling you the truth?</p> <p>15:43:05 23 A. At the time, I had no reason to believe</p> <p>15:43:08 24 otherwise.</p> <p>15:43:08 25 Q. Okay. It says here that, "Villegas spent</p>	<p style="text-align: right;">183</p> <p>15:44:11 1 "Hey, I'm only going to talk to you, but I'm not talking</p> <p>15:44:14 2 to" -- withdrawn.</p> <p>15:44:15 3 Did he make any statements to you that indicated</p> <p>15:44:17 4 he was only talking to you rather than talking to you and</p> <p>15:44:21 5 the other side of the conflict, which would have been</p> <p>15:44:24 6 Michael Bisch and Zane Hatfield?</p> <p>15:44:25 7 A. He made no such statements.</p> <p>15:44:27 8 Q. Did you think he was going to talk to both sides</p> <p>15:44:30 9 to get a fair sense of what had happened?</p> <p>15:44:32 10 A. I didn't have a thought on what he was going to</p> <p>15:44:37 11 do.</p> <p>15:44:37 12 Q. Okay. Moving up.</p> <p>15:44:45 13 So who is -- is it Ali David or David -- it's</p> <p>15:44:48 14 Ali David -- oh, I see. So David is her last name.</p> <p>15:44:48 15 A. Yeah, her last name is David. Yes.</p> <p>15:44:56 16 Q. So Ali David is also a board member?</p> <p>15:44:56 17 A. Correct.</p> <p>15:44:57 18 Q. So she sends you a reply in which she indicates</p> <p>15:45:03 19 she's relieved that YFB has accountability.</p> <p>15:45:03 20 Do you know what she meant by that? What was</p> <p>15:45:03 21 your understanding -- when you received this e-mail from</p> <p>15:45:03 22 her that "YFB has accountability," what was your</p> <p>15:45:19 23 understanding of that?</p> <p>15:45:19 24 A. I think my understanding was that, if there was</p> <p>15:45:22 25 going to be behavior like that exhibited towards us on</p>
<p style="text-align: right;">182</p> <p>15:43:17 1 30 minutes on the phone chronicling the facts of the</p> <p>15:43:21 2 Wednesday and Thursday interactions with YFB."</p> <p>15:43:24 3 What did you mean by that? He was chronicling</p> <p>15:43:28 4 the facts that you were telling him, or he was recounting</p> <p>15:43:28 5 other facts to you?</p> <p>15:43:32 6 A. No, he was -- he was simply getting my story</p> <p>15:43:34 7 from me and asking questions about it as I told it. When</p> <p>15:43:39 8 I say "chronicling," I don't actually know he was writing</p> <p>15:43:43 9 it down or anything; I just mean he was -- he wanted to</p> <p>15:43:44 10 get the story.</p> <p>15:43:45 11 Q. Do you know whether Mr. Villegas ever reached</p> <p>15:43:48 12 out to Michael Bisch?</p> <p>15:43:49 13 A. I have no idea.</p> <p>15:43:51 14 Q. Do you know whether Mr. Villegas actually</p> <p>15:43:54 15 reached out to Zane Hatfield?</p> <p>15:43:56 16 A. I have no idea.</p> <p>15:43:56 17 Q. Why was he only having a conversation with you?</p> <p>15:44:00 18 MR. EHLERS: Objection. Calls for speculation.</p> <p>15:44:02 19 BY MR. SINGH:</p> <p>15:44:02 20 Q. Do you know?</p> <p>15:44:02 21 MR. TURPEN: And same objection. It's vague,</p> <p>15:44:04 22 and it's argumentative.</p> <p>15:44:06 23 THE WITNESS: I have no idea.</p> <p>15:44:07 24 BY MR. SINGH:</p> <p>15:44:07 25 Q. Did he make any statements to you as to -- to,</p>	<p style="text-align: right;">184</p> <p>15:45:25 1 March 2nd and 3rd, that someone was going to hold the</p> <p>15:45:29 2 individuals responsible accountable for it.</p> <p>15:45:31 3 Q. Okay. I want to go back for a moment to your</p> <p>15:45:34 4 dialogue with Oscar Villegas because I just want to</p> <p>15:45:37 5 really make sure I understand something.</p> <p>15:45:39 6 You knew, at that time when he called you, he</p> <p>15:45:44 7 was calling you in his capacity as an elected official;</p> <p>15:45:48 8 is that correct? Was that your belief?</p> <p>15:45:50 9 A. That is correct.</p> <p>15:45:51 10 Q. And at any point in time, did he indicate that</p> <p>15:45:55 11 he was going to -- during this call, did he indicate, as</p> <p>15:45:58 12 part of his chronicling of the facts, that he was going</p> <p>15:46:02 13 to reach out to Michael Bisch and Zane Hatfield to get</p> <p>15:46:05 14 their version of what happened? At any point in time,</p> <p>15:46:09 15 did he tell you that?</p> <p>15:46:11 16 MR. EHLERS: Objection. Asked and answered.</p> <p>15:46:12 17 THE WITNESS: Since --</p> <p>15:46:13 18 MR. TURPEN: Same objection, and it's vague.</p> <p>15:46:15 19 BY MR. SINGH:</p> <p>15:46:15 20 Q. Go ahead.</p> <p>15:46:16 21 A. He did not indicate that.</p> <p>15:46:18 22 Q. So on March 10th, you send another e-mail to</p> <p>15:46:35 23 your board; correct? And I'm showing it here. This is</p> <p>15:46:38 24 Bates Stamp Bosley220. Do you see that?</p> <p>15:46:41 25 A. Yes, that's correct.</p>

<p style="text-align: right;">189</p> <p>15:54:41 1 "The City and County are our fierce defenders and friends 15:54:46 2 at the moment"? What did you mean by that statement? 15:54:49 3 A. I simply meant that, when they heard about our 15:54:56 4 treatment and how Michael and Zane were trying to coerce 15:55:02 5 us into aligning with them, that they rose quickly and 15:55:08 6 fiercely to our defense. 15:55:11 7 Q. Did you have any concerns at all -- let me ask 15:55:16 8 you another question. 15:55:18 9 Did you have any knowledge at this point as to 15:55:21 10 whether or not Villegas had attempted in his chronicling 15:55:29 11 to contact Michael Bisch or Zane Hatfield for their 15:55:33 12 version of events? 15:55:36 13 (Speaking simultaneously.) 15:55:37 14 MR. TURPEN: Objection. Vague. 15:55:42 15 THE WITNESS: No, I had no knowledge of that. 15:55:46 16 (Reporter clarification.) 15:55:46 17 BY MR. SINGH: 15:55:48 18 Q. Did you have any knowledge as to whether Susan 15:55:50 19 Strand or Ms. Juhler from Yolo County had contacted 15:55:54 20 Michael Bisch or Zane Hatfield to try to get their 15:55:58 21 version of events? 15:55:58 22 A. I did not have any knowledge of that. 15:56:02 23 Q. So why -- why were the City and County your 15:56:10 24 fierce defenders? What was your understanding as to why 15:56:13 25 they were your fierce defenders?</p>	<p style="text-align: right;">191</p> <p>15:57:39 1 MR. EHLERS: Objection. Incomplete 15:57:42 2 hypothetical, and vague. 15:57:43 3 BY MR. SINGH: 15:57:43 4 Q. You can answer. 15:57:44 5 MR. TURPEN: Same objections. 15:57:46 6 THE WITNESS: That is not for me to judge. I am 15:57:49 7 not an elected. 15:57:51 8 BY MR. SINGH: 15:58:06 9 Q. Okay. When you say here in the opening 15:58:08 10 paragraph -- when you say, "The County Board of 15:58:11 11 Supervisors are all livid with Michael Bisch," how did 15:58:15 12 you know that they were all livid with Michael Bisch? 15:58:18 13 A. Oscar shared that with me in our conversation. 15:58:22 14 Q. Sorry. I am confused. 15:58:26 15 Which conversation? 15:58:27 16 A. There was only one. 15:58:30 17 Q. But that was back on March 4th. 15:58:37 18 A. Right. 15:58:37 19 Q. This is an update on March 30th. 15:58:45 20 A. Yes. 15:58:46 21 Q. So your knowledge that they were all livid with 15:58:51 22 Michael Bisch was based on that single phone call on 15:58:51 23 March 4th? 15:58:52 24 A. That's correct. 15:58:55 25 Q. He hadn't -- I mean, would you agree he couldn't</p>
<p style="text-align: right;">190</p> <p>15:56:15 1 A. Why did I feel that way, or for what reason were 15:56:21 2 they our defenders? 15:56:22 3 Q. No, I don't want you to speculate. 15:56:29 4 I'm asking what your -- you wrote this. You 15:56:30 5 said, "City and County are our fierce defenders." So I'm 15:56:32 6 asking you: What was your understanding as to why they 15:56:35 7 were your fierce defenders? 15:56:37 8 A. I'm sorry. I really am trying to clarify. Are 15:56:45 9 you asking what made them our fierce defenders -- 15:56:45 10 Q. What was your understanding -- 15:56:48 11 A. -- or did I feel like they were our fierce 15:56:49 12 defenders? 15:56:49 13 Q. Yeah, why did you write this? 15:56:55 14 A. Okay. Thank you. 15:56:56 15 Because they -- in my conversations with them, 15:56:59 16 as -- as I had had my conversation with Oscar, my 15:57:06 17 conversation with Aaron, and particularly those two, that 15:57:09 18 they felt like we had been wrongly treated and -- and 15:57:14 19 wanted to make sure that kind of thing did not continue 15:57:16 20 to happen, so... 15:57:19 21 Q. Would you agree, as a general principle, that a 15:57:24 22 City or elected official -- a City-appointed official or 15:57:27 23 elected official for a city or county who is 15:57:30 24 investigating a matter -- that they should talk to both 15:57:33 25 sides if there's a dispute that they're investigating?</p>	<p style="text-align: right;">192</p> <p>15:58:59 1 possibly have investigated the matter on March 4th? 15:59:02 2 Correct? 15:59:02 3 A. I don't believe that he was -- when he said that 15:59:05 4 the supervisors were upset with Michael, I don't think he 15:59:09 5 was referring to our situation yet. I think that they 15:59:12 6 were upset with Michael already, and this was, you know, 15:59:18 7 kind of another domino and something that had been 15:59:20 8 escalating. That was my broad understanding. 15:59:24 9 It may be erroneous, but that was how I -- I 15:59:27 10 really am sitting here trying to think of another 15:59:30 11 conversation I had with Oscar about this situation. I'm 15:59:32 12 not sure we ever had another one, other than me asking 15:59:38 13 whether Serena was our lawyer in the text. But about the 15:59:38 14 details of this, I'm not sure Oscar and I had a 15:59:43 15 conversation about it after March 4th. I can't recall 15:59:45 16 one. 15:59:45 17 Q. But your impression, when you spoke to him on 15:59:49 18 March 4th, was that they were already upset with Michael 15:59:54 19 Bisch? 15:59:54 20 A. Yes. 15:59:55 21 Q. Based on what? 15:59:56 22 A. I -- I could not say. 15:59:59 23 Q. Based on his views of SB 1383? 16:00:02 24 A. I cannot say. I -- I -- you would have to ask 16:00:07 25 them that.</p>

<p style="text-align: right;">193</p> <p>16:00:07 1 Q. Okay. But let me just make sure I understand</p> <p>16:00:12 2 this correctly.</p> <p>16:00:13 3 It was your impression on that March 4th phone</p> <p>16:00:15 4 call that all of them were upset, not just Mr. Villegas?</p> <p>16:00:19 5 A. That was my impression, yes.</p> <p>16:00:23 6 Q. Okay. Who is Martha, by the way?</p> <p>16:00:25 7 A. Mayor Martha Guerrero, the mayor of West</p> <p>16:00:31 8 Sacramento.</p> <p>16:00:31 9 Q. Yeah, just want to make sure.</p> <p>16:00:34 10 And city manager is?</p> <p>16:00:35 11 A. Aaron Laurel.</p> <p>16:00:35 12 Q. And you say "the City." What did you mean by</p> <p>16:00:38 13 that?</p> <p>16:00:38 14 A. Oh, I think I probably just meant all of the</p> <p>16:00:44 15 above or, you know, plus City staffers or anybody to --</p> <p>16:00:51 16 Q. Okay. Let's go up here.</p> <p>16:00:55 17 This, on Bosley216, is a March 31st e-mail, and</p> <p>16:01:08 18 this is what you call "some basic info on the problems of</p> <p>16:01:12 19 Yolo Food Bank." Do you see that?</p> <p>16:01:13 20 A. Yes.</p> <p>16:01:13 21 Q. Okay. And then a couple of the paragraphs</p> <p>16:01:20 22 you're narrating the history of the conflict between YFB</p> <p>16:01:23 23 and the Cities/County; correct?</p> <p>16:01:23 24 A. A little bit, yes.</p> <p>16:01:26 25 Q. Right here, for example, you say, "YFB says the</p>	<p style="text-align: right;">195</p> <p>16:03:30 1 in a public place for the purposes of embarrassing her</p> <p>16:03:32 2 and the City."</p> <p>16:03:32 3 What was Aaron's handling of things that Martha</p> <p>16:03:35 4 didn't condone?</p> <p>16:03:36 5 A. In the -- it was earlier in that paragraph when</p> <p>16:03:46 6 Michael -- or excuse me -- Aaron replied to an e-mail</p> <p>16:03:51 7 from Michael and asked him why he was extorting the Mercy</p> <p>16:03:56 8 Coalition. It was in that same paragraph, if you're</p> <p>16:04:03 9 looking for it.</p> <p>16:04:04 10 Q. I saw it.</p> <p>16:04:05 11 A. Okay.</p> <p>16:04:05 12 Q. Thank you. Okay. Let's keep moving up here.</p> <p>16:04:14 13 So this is June 3, 2022, Don Bosley, and you're</p> <p>16:04:26 14 writing to your board again. And it says, "If you're not</p> <p>16:04:32 15 aware of it yet, the Yolo Food Bank fired Michael Bisch."</p> <p>16:04:41 16 And my first question is: How did you learn of</p> <p>16:04:43 17 it?</p> <p>16:04:49 18 MR. TURPEN: Objection. Asked and answered.</p> <p>16:04:51 19 BY MR. SINGH:</p> <p>16:04:51 20 Q. How did -- you're writing it here. What -- what</p> <p>16:04:55 21 prompted you to write this letter? How did you learn of</p> <p>16:04:57 22 this event?</p> <p>16:04:59 23 A. I believe it was from a news account, or</p> <p>16:05:01 24 possibly I seem to recall that the food bank put out a</p> <p>16:05:05 25 newsletter or something, but I can't remember. It was</p>
<p style="text-align: right;">194</p> <p>16:01:33 1 Cities/County are trying are trying to do it on the</p> <p>16:01:36 2 cheap, which might well be true. Cities/County say YFB</p> <p>16:01:39 3 is trying to hold them hostage." Do you see that?</p> <p>16:01:39 4 A. Yep.</p> <p>16:01:40 5 Q. So you then recount your version of the events</p> <p>16:01:45 6 on the 2nd and 3rd; correct?</p> <p>16:01:46 7 A. Yes.</p> <p>16:01:47 8 Q. And then it recounts your interaction with Aaron</p> <p>16:02:08 9 Laurel as well; correct?</p> <p>16:02:09 10 A. Yes.</p> <p>16:02:09 11 Q. Right here, it says, "The food bank appears to</p> <p>16:02:25 12 be considering some form of discipline or censure for</p> <p>16:02:27 13 Michael, but I can't say for sure."</p> <p>16:02:30 14 How did you know that?</p> <p>16:02:31 15 A. Simply by the way that Danny was working so hard</p> <p>16:02:38 16 to try and get reconciliation, and things of this</p> <p>16:02:43 17 nature -- he never said that directly, but -- but it was</p> <p>16:02:49 18 clear from the edges that, you know, a tug of war was</p> <p>16:02:51 19 going on, you know, jurisdictions being upset, YFB trying</p> <p>16:02:55 20 to respond; so it was a -- it was a speculation. It</p> <p>16:03:00 21 wasn't off of direct knowledge.</p> <p>16:03:02 22 Q. You say here, this paragraph in the middle, just</p> <p>16:03:16 23 to -- we're on Bates Stamp 217, Bosley217. "Martha</p> <p>16:03:22 24 didn't condone Aaron's handling of things but expressed</p> <p>16:03:27 25 disbelief and anger that Michael would arrange a meeting</p>	<p style="text-align: right;">196</p> <p>16:05:08 1 either that -- it was one or the other, a food bank</p> <p>16:05:13 2 newsletter or one of the news accounts.</p> <p>16:05:14 3 Q. It says here, "There were many issues and</p> <p>16:05:16 4 complaints against him."</p> <p>16:05:17 5 What was your factual basis for writing that?</p> <p>16:05:17 6 A. Conversations with the electeds and other folks;</p> <p>16:05:28 7 so the same stuff we've been going over all day.</p> <p>16:05:30 8 Q. But I want to understand this because this is</p> <p>16:05:32 9 important. It's a person's reputation and career, after</p> <p>16:05:32 10 all.</p> <p>16:05:36 11 So it says here, "There were many issues and</p> <p>16:05:37 12 complaints against him." List to me all the individuals</p> <p>16:05:40 13 who provided you information for that statement.</p> <p>16:05:41 14 A. The -- as I have said before, Oscar shared that</p> <p>16:05:56 15 there was widespread dismay with -- with Michael's</p> <p>16:06:02 16 reactions; Mayor Martha shared that there was dismay;</p> <p>16:06:07 17 Aaron Laurel shared that there was dismay, so...</p> <p>16:06:10 18 Q. Anyone else?</p> <p>16:06:12 19 A. That's pretty much it.</p> <p>16:06:19 20 Q. No one else? You sure?</p> <p>16:06:23 21 A. I mean, off -- you know, I had conversations</p> <p>16:06:30 22 with Danny, but I don't think Danny got into the</p> <p>16:06:33 23 particulars of it. He was just -- he really was just</p> <p>16:06:36 24 trying to smooth things over, not stir them up. And no,</p> <p>16:06:41 25 I think -- I think that's -- I think that's it.</p>

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16:06:45 1 Q. Let's go to the next paragraph.
 16:06:51 2 "But all the government leaders" -- right here.
 16:06:53 3 "All the government leaders, both of City jurisdictions
 16:06:56 4 and the County, are aware of his unacceptable actions,
 16:07:00 5 though. I have no doubt that their pressure on the YFB
 16:07:03 6 board ultimately had a lot to do with this decision to
 16:07:07 7 terminate."
 16:07:08 8 So let's break this down. "All the government
 16:07:14 9 leaders." Who are you referring to?
 16:07:16 10 A. Same leaders that I've been referring to.
 16:07:19 11 Q. List them, please.
 16:07:28 12 A. The leaders with which I had interactions.
 16:07:34 13 The -- the County Board of Supervisors -- well, I didn't
 16:07:37 14 have interactions with all of them. But through Oscar,
 16:07:40 15 the County Board of Supervisors, City Manager Aaron
 16:07:44 16 Laurel, Mayor Martha Guerrero. Yeah, that's -- that's
 16:07:53 17 broadly it. Obviously, that doesn't encompass all of the
 16:07:57 18 government leaders. It was spoken colloquially, but yes.
 16:08:02 19 Q. Tell me about Martha Guerrero. What did she
 16:08:07 20 tell you?
 16:08:08 21 A. Martha was on a fact-finding mission with us to
 16:08:20 22 San Jose to look at the Recovery Cafe in San Jose, a
 16:08:24 23 program we were considering at the time. And after
 16:08:30 24 lunch -- afterward, she pulled me aside and -- and some
 16:08:35 25 of the -- some of the trickle-down from Michael Bisch's

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16:08:40 1 actions; and -- and Aaron Laurel had sent him the e-mail
 16:08:48 2 backstorying us; and then Michael had confronted Martha
 16:08:50 3 at a restaurant. She didn't appreciate it, and so she --
 16:08:53 4 you know, so she was, like the leaders before her,
 16:08:56 5 expressing disbelief at his strong-arm tactics of us
 16:09:05 6 and -- and shock and -- and dismay that we all found
 16:09:10 7 ourselves in this position.
 16:09:12 8 Q. Did -- to your knowledge, did she or anyone from
 16:09:15 9 her office reach out to Michael Bisch or Zane Hatfield to
 16:09:20 10 get their version of events?
 16:09:21 11 A. I do not have any knowledge of that.
 16:09:23 12 Q. Okay. And then you say, "Both of City
 16:09:32 13 jurisdictions and County are aware of his unacceptable
 16:09:35 14 actions."
 16:09:35 15 What did you mean what you wrote "unacceptable
 16:09:37 16 action"?
 16:09:38 17 A. His pressuring us into not taking the -- the
 16:09:42 18 Edible Food Recovery contract with the City and the
 16:09:46 19 manner in which he did it, by threatening to withhold
 16:09:52 20 and, in fact, actually saying that he was going to -- you
 16:09:55 21 know, sending word that they were withholding our food
 16:09:57 22 from Raley's and Nugget. They, like me, thought that was
 16:10:02 23 unacceptable.
 16:10:02 24 Q. "They," being who?
 16:10:04 25 A. The government leaders that I talked to.

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16:10:09 1 Q. But you don't know whether the government
 16:10:11 2 leaders spoke to Michael Bisch or Zane Hatfield; correct?
 16:10:16 3 A. I don't know.
 16:10:16 4 Q. Okay. But you told your board what you wrote
 16:10:22 5 here. So let me ask you this.
 16:10:24 6 It says, "I have no doubt that their pressure on
 16:10:28 7 the YFB board ultimately had a lot to do with this
 16:10:33 8 decision to terminate."
 16:10:35 9 So I want to understand. "Their pressure." Who
 16:10:39 10 does "their" refer to?
 16:10:41 11 A. I was speculating that the pressure from the
 16:10:45 12 jurisdictions, the government representatives and the
 16:10:49 13 electeds, was having an influence on the food bank's
 16:10:54 14 decision to terminate Michael.
 16:10:56 15 Q. And this was based on your dialogue and your
 16:11:00 16 observations of these -- your dialogue with and your
 16:11:04 17 observations of these government officials?
 16:11:07 18 A. It is speculation based on that dialogue, yes.
 16:11:09 19 It was not --
 16:11:10 20 Q. Including your dialogue with Supervisor
 16:11:13 21 Villegas?
 16:11:13 22 A. Did you just cut me off again?
 16:11:13 23 MR. EHLERS: Yeah, I was going to say you just
 16:11:13 24 cut the witness off again, Counsel.
 16:11:19 25 MR. SINGH: You know, we're having -- and we

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16:11:21 1 spoke to the video -- I am literally hearing him stop.
 16:11:21 2 So I don't know. We've been -- we actually -- while you
 16:11:27 3 guys were on break, I spoke to Ms. Parker -- and you ask
 16:11:30 4 her -- whether she was experiencing a lag; so I am trying
 16:11:33 5 my best because, literally, it sounds like he has stopped
 16:11:37 6 from our end, and we can hear the --
 16:11:39 7 (Speaking simultaneously.)
 16:11:40 8 MR. TURPEN: From my -- from my end, you're
 16:11:42 9 cutting him off mid-sentence; so maybe it's best to just
 16:11:44 10 give him a second to finish his sentence.
 16:11:45 11 MR. SINGH: Yeah, fair enough. Okay.
 16:11:47 12 BY MR. SINGH:
 16:11:47 13 Q. So would you like to --
 16:11:49 14 MR. SINGH: Actually, Madam Court Reporter, can
 16:11:49 15 you read back the witness's answer so we have a clean
 16:11:49 16 record here?
 16:11:49 17 (Record read.)
 16:12:06 18 THE WITNESS: It was speculation based on my
 16:12:08 19 conversations with those government officials. It was
 16:12:13 20 not the result of anyone directly telling me that their
 16:12:14 21 pressure resulted in his termination.
 16:12:16 22 BY MR. SINGH:
 16:12:16 23 Q. Here you said -- you're calling it speculation,
 16:12:27 24 but here in this communication, you said, "I have no
 16:12:30 25 doubt that their pressure on the YFB board ultimately had

REPORTER'S CERTIFICATE

I certify that the foregoing proceedings in the within-entitled cause were reported at the time and place therein named; that said proceedings were reported by me, a duly Certified Shorthand Reporter of the State of California, and were thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties to said cause of action, nor in any way interested in the outcome of the cause named in said cause of action.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of June, 2023.



KAYLA KNOWLES, CSR No. 14071

Certified Shorthand Reporter

SINGH EXHIBIT 2



From: Don Bosley <don@wsmercycoalition.org>
Sent: Thursday, August 18, 2022 6:26 AM
To: Sandy Yim; Karen LeGrand; Aleecia Gutierrez; Ali David; Brandon Hooker; Erin McEwen; Anna Darzins
Cc: Cynthia Mares; Nicole Ring-Collins; Lynn Phelps
Subject: !Yolo Food Bank crisis with Michael Bisch

Good morning, Board and staff

Wanted to make you aware of this situation (see link below).

<https://fox40.com/news/local-news/former-yolo-food-bank-director-suing-organization-for-wrongful-termination/>

I met with new YFB executive director Karen Baker yesterday and they're in full-on crisis control mode; Michael's actions in the wake of his firing have caused several major donors to question what YFB is doing, and the food bank's funding structure is very much threatened.

Unfortunately, I and we are at the center of this thing. It was Michael's interactions with us last March that caused the City and County to finally decide they were fed up with Michael, and began the path that ultimately led to Michael being fired. Up to this point, the food bank has tried to take a high-road approach and not comment on Michael's inflammatory assertions in social media and conventional media, but now they have to defend themselves. The food bank has asked me for a timeline of our key interactions with Michael and his lieutenants last spring, which I will give them. I imagine it's possible that I may be called on for testimony. I guess it's also possible that at some point someone may ask for corroboration from Cynthia, who overheard the first threatening phone call to us from then-YFB program director Zane Hatfield (I happened to have it on speakerphone at the time); and Nicole, who joined me at a lunch with Michael and YFB board member Danny Ramos a few weeks later. Lynn also received one of the phone calls that informed us that our food access to Nugget and Raley's was cut off.

Of course, we'd much prefer to stay out of it. But Michael's actions with us were repeatedly and undeniably unethical and manipulative, and I guess we inadvertently became the only small food pantry that sorta pushed back against them. I believe he's vindictively doing great damage to the most important food partner in our County, and it would be unethical and irresponsible of us to put our heads in the sand while potentially thousands of families have their food sustainability threatened.

I don't know where this will lead, but I would caution you all to watch your conversations, your emails and your texts on this issue very carefully. It may be tempting to jump into any social-media threads on this, but I would advise all of us against it.

Sigh.

Don Bosley
Executive Director
[Mercy Coalition of West Sacramento](#)
P.O. Box 2060

West Sacramento CA 95691

916.997.6332

He/Him/His

Connection | Strategic | Developer | Positivity | Belief

From: Lynn Phelps <lynn@wsmercycoalition.org>
Sent: Friday, June 3, 2022 11:26 AM
To: Don Bosley
Cc: Aleecia Gutierrez; Ali David; Anna Darzins; Brandon Hooker; Erin McEwen; Karen LeGrand; Nicole Ring; Sandy Yim; Cynthia Mares; Melody Bosley
Subject: Re: Yolo Food Bank fires ED

I saw the email today. Thank you for input.

On Fri, Jun 3, 2022, 11:22 AM Don Bosley <don@wsmercycoalition.org> wrote:

Good morning, board and friends -

If you're not aware of it yet, the Yolo Food Bank fired Michael Bisch as its ED on Tuesday night. There were many issues and complaints against him, but our situation unfortunately wound up being the spark that ignited an inferno around him the last couple months.

YFB has not publicly discussed the reasons for his firing, and so a fair amount of the community is up in arms that this accomplished leader would be cut loose. But all the government leaders, both of city jurisdictions and the county, are aware of his unacceptable actions, tho. I have no doubt that their pressure on the YFB Board ultimately had a lot to do with this decision to terminate.

I'm just making you aware in case some of this comes washing back our direction. Once again, I think our best call is to stay out of the fray and - if anyone's insistent - you can refer them to me. I suppose we need to be watchful for trolls again as well. Michael has no love lost for the Coalition or me personally and I have found him to be a combative personality. I wouldn't be surprised if he goes down swinging. Discernment and restraint in all quarters, please.

Thanks,

Don Bosley
Executive Director
[Mercy Coalition of West Sacramento](#)
P.O. Box 2060
West Sacramento CA 95691
916.997.6332
He/Him/His

From: B H <bhooker2000@gmail.com>
Sent: Thursday, March 31, 2022 6:11 PM
To: Don Bosley
Cc: Aleecia Gutierrez; Anna Darzins; Erin McEwen; Helena Helms; Karen LeGrand; Nicole Ring; Ali David; Sandy Yim
Subject: Re: YFB talking points

Thank you for this Don and representing the mercy coalition through prayer. Thank you for your leadership on this.

On Thu, Mar 31, 2022, 4:22 PM Don Bosley <don@wsmercycoalition.org> wrote:

Hi, Board ... here's some basic info on the problems with Yolo Food Bank.

* We currently are recovering 9 1/2 tons of food per year combined from Nugget and Raley's, through an arrangement set up by Yolo Food Bank.

* SB1383 is the law that went into effect Jan. 1 requiring "generators" (supermarkets, eventually restaurants, food manufacturers) to begin recovering more portions of their edible food to keep it out of the County landfill. It's both a move towards getting more food out to people and keeping the waste process more environmentally friendly.

* YFB has seen this law coming for years and given the County a price tag to do the required food recovery across the county. The Supervisors balked at the cost, and began crafting their own food-recovery program with the cities, at least through the early years of the law. That didn't set well with the food bank, and particularly Michael. The process, the metrics and the cost assumptions are all complicated and both sides are claiming theirs are right. YFB says the cities/county are trying to do it on the cheap (which might well be true); Cities/County say YFB is trying to hold them hostage.

* Last fall YFB began lobbying us and other partner agencies to "not abandon the food bank" when the County proposals started coming our way. The County named us as one of nine "pantries" around the county that it would fund to the tune of \$26k each for capacity-building related to food recovery (refrigeration, scales, trucks, worker stipends, etc.). We were leaning towards signing a contract with the City on this, as you may recall. I had several conversations with Michael about this and Aleecia had at least one; he was disappointed but also spent a lot of his time belittling government reps, accusing them of slandering the food bank, and insinuating that everyone was being idiotic or unethical, or both.

* On Feb. 24, Zane Hatfield, YFB's program director, called and asked where we stood on the City offer. I told him that we'd decided to sit tight while the food bank and the City/County sides figured out how they were going to sort out their impasse.

* On March 2, Zane called again, at about 4pm. (Cynthia heard this exchange because I had it on speakerphone ... I probably should've taken it off, but it didn't occur to me). I reiterated that we were treading water for the moment. Zane said to me that his board had been pressuring him and asking him, "What's to keep us from just cutting them off from (Nugget and Raley's)." I was pretty stunned. "Zane, that sounds an awful lot like a threat ... " I told him. I assumed he would walk it back. He didn't. I began expressing my ... disappointment ... that they would actually threaten to take food out of our hands, to care for impoverished and homeless people, as a strong-arm tactic. It never got uncordial, but it definitely was strained.

* Next morning, March 3, YFB's operations manager Corky began calling, trying to reach Lynn, then Nicole, then myself, all before 9am, to inform us that we'd been cut off at Nugget and Raley's beginning 3/17. I was blown away. It honestly felt like someone had had a tantrum somewhere. I texted Michael and we talked by phone later in the day. He told me, among other things, that we'd chosen our vision and it wasn't theirs; that he couldn't believe I couldn't see the difference between the right and wrong in this, comparing it to not being able to see the difference between Russia and Ukraine; and held fast to his dictate that we were cut off from our food recovery. We later

learned that he actually had no authority whatsoever to cut us off; one of his Board members, a Nugget owner, was absolutely incensed.

* March 4, I sent a note to the City staff saying we definitely wouldn't be signing a food-bank contract anytime soon, and I explained somewhat matter-of-factly what had happened with the food bank. That was the last time I took initiative to share anything about the incident with anyone outside of MC. By that afternoon Oscar Villegas was on the phone to me, followed in the days to come by acting HHSA director Nolan Sullivan; city manager Aaron Laurel; mayor Martha Guerrero; Dan Ramos; and the head of the Contra Costa Food Bank, who oversees the part of the Feeding America program that sends a vast amount of food to Yolo Food Bank.

* On March 10, Michael called to see how I was feeling about things after a week of processing. He was cordial. I told him we were still making no moves, and that I'd informed the city that we wouldn't be signing any contracts soon. Michael's response: "In that case, we can restore your access to the food recovery." I was glad to get the food, but the bald-faced quid-pro-quo was just oily feeling.

* Next day, March 11, I got a call from city manager Aaron Laurel, who'd just learned about the food bank's treatment of us and was livid. Michael had emailed him on another matter, and as soon as Aaron got off the phone with me, he responded to Michael's email by asking why YFB was trying to extort the Mercy Coalition. (Within days Michael arranged a meeting with Mayor Martha at a restaurant and pulled out a printout of Aaron's email to confront her about her city manager's unprofessionalism. Martha didn't condone Aaron's handling of things but expressed disbelief and anger that Michael would arrange a meeting in a public place for the purpose of embarrassing her and the city ... while never taking any responsibility for his own actions)

* Early the following week Michael called me to tell me about his interaction with Aaron, and to express his surprise, because he'd thought we'd patched things up. I told him that we had, but that his original move against us was still cycling around and causing reactions. I'm not sure he believed that I wasn't out there whispering negativity in the ear of electeds and city officials.

You know most of the details since then (included in my email last night). I know the food bank and city/county officials have been going around in some very unpleasant conversations. The food bank appears to be considering some form of discipline or censure for Michael, but I can't say for sure. I'm sure we haven't heard the last of it.

Sigh. What a ridiculous and unsavory thing to recap. Anyway, there you have it.

Thanks!

Don Bosley
Executive Director
[Mercy Coalition of West Sacramento](#)
P.O. Box 2060
West Sacramento CA 95691
916.997.6332
He/Him/His

Connection | Strategic | Developer | Positivity | Belief

From: Don Bosley <don@wsmercycoalition.org>
Sent: Wednesday, March 30, 2022 9:03 PM
To: Ali David
Subject: Re: Cafe and YFB updates

Thank you, Ali. I appreciate that. Mostly I just feel sad for him. He truly looked miserable and tormented yesterday.

Don Bosley
Executive Director
[Mercy Coalition of West Sacramento](#)
P.O. Box 2060
West Sacramento CA 95691
916.997.6332
He/Him/His

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On Wed, Mar 30, 2022 at 7:50 PM Ali David <msalidavid@gmail.com> wrote:

No matter how personal it is for Michael, you should NOT feel personally responsible for any of his feelings. Just restating the obvious. =)

On Wed, Mar 30, 2022, 5:20 PM Don Bosley <don@wsmercycoalition.org> wrote:

Good afternoon, MC Board! Hope you're all having a fantastic week. Things have been happening so fast that I haven't had the chance to keep you up to date, but here's a few things you should be aware of:

COME BACK CAFE

* Sunday, we submitted our extensive application for Recovery Cafe Network. We should hear back by April 11 on our admission to the May training cohort.

* Our visit in San Jose on Monday was tremendous. Ali, Sandy, Nicole, Jason Schrimsher and myself joined Mayor Martha for the trip, and we were able to spend more than two hours onsite and another hour at lunch processing together. We learned so much about programming, funding, the road they've traveled ... and got to spend some time with several Members who just strolled right up and shared with us.

* Martha loves the model and is wholeheartedly ready to go. By yesterday she'd spoken to both Aaron Laurel, city manager, and Oscar Villegas, County supervisor, about her visit and the cafe model. They each have copies of our project Quick Sheet and Aaron supposedly has a couple of thoughts on potential sites (I don't know where).

* At Martha's urging I sent Aaron today a breakdown of space would we need at any site to get the cafe off the ground. I'm attaching it here, in case any of you have feedback on that.

* The realtor for 929 Drever says that they have an offer in process, but I didn't know if that was realtor gamesmanship - we'll see. He knows we're interested and will let me know if something changes.

* I also submitted a proposal for a \$7500 ARP mini-grant yesterday to potentially help cover the costs of the \$5000 network fee, travel costs to San Jose, and some initial promotion (like logo design).

YOLO FOOD BANK DUST-UP

* This thing won't go away or quickly resolve, it's becoming apparent. The City, the city manager, Martha, and the County Board of Supervisors are all livid with Michael Bisch about the way he's done business in general, and our interaction with him has become Exhibit A. (Martha spent 30 minutes at lunch with us expressing her ... dismay ... with the whole situation). The food bank board is trying to stop the bleeding, especially since the Board of Supes sent them a very formal and pointed letter of rebuke and is threatening to hold up some of their ARP funding.

* Dan Ramos is on the YFB board and met with me last week to "investigate" the incident. Danny went to school with Melody and I and we have history going back decades, including his pivotal role in obtaining the teen-center building for YFC. After a YFB board meeting last week he asked if I would meet with he and Michael to "break some bread" and try to smooth things over and get past this. Basically, he wanted to be able to say to the electeds that we had all met and everything was ok. I agreed to meet them because I didn't want it said that we weren't open to conversation.

* The meeting was yesterday. But after hearing Martha's take on Monday, I decided to take Nicole along with me just to make sure I had a witness to whatever might come down. The meeting was fine. Danny did most of the talking. Michael showed late, looked miserable, said little (which is unusual), and had to leave early because a son's car had broken down, or something like that. Honestly, it was all a little awkward and forced. Neither Nicole nor I said much, either (also unusual!). Danny's original plan was to type up a letter stating that we'd met and all was well, and have Michael and I sign it ... but I told him I didn't want to sign any letter. Instead, I just told him to invite anyone to call me who wanted to.

* So: while the City and County are our fierce defenders and friends at the moment, I would not be surprised if we, or I, were slandered or sullied by Michael somewhere along the line. Nicole observed, and I had to concur, that he looked like he hated me. Maybe that's not true, but just putting it out there as a heads-up. I'll follow through with my promise to send some talking points out to the Board, in case this thing should come your way.

Sorry for all the wordiness ... just wanting to keep you all in the loop. Talk to you soon.

Don Bosley
Executive Director
[Mercy Coalition of West Sacramento](#)
P.O. Box 2060
West Sacramento CA 95691
916.997.6332
He/Him/His

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From: B H <bhooker2000@gmail.com>
Sent: Thursday, March 10, 2022 5:35 PM
To: Don Bosley
Cc: Aleecia Gutierrez; Anna Darzins; Erin McEwen; Helena Helms; Karen LeGrand; Nicole Ring; Ali David; Sandy Yim
Subject: Re: YFB update: Back in business :)

Thank you for representing us in the best way possible Don. This was a difficult situation and you let God guide your steps for the coalition. Thank you so much.

On Thu, Mar 10, 2022 at 4:09 PM Don Bosley <don@wsmercycoalition.org> wrote:

Good afternoon, Board ... thanks for the excellent meeting last night.

Wanted to update you all that Michael Bisch called me today and we had a pretty good conversation. I told him that, as it stood, we weren't planning to sign contracts with anyone, and he said in that case he'd restore our food recovery access to Nugget and Raley's.

It's hard not to feel like we were manipulated and played a little bit, and I remain unimpressed with the tactics of YFB leadership on this. There will be more uncomfortable conversations as the City/County take stock of their partners being coerced out of contracts. But for the moment we've got our food back, and hopefully the whole episode becomes an onramp for holistically and equitably addressing food sustainability in Yolo County.

Thanks to all for your wisdom and support.

Don Bosley
Executive Director
[Mercy Coalition of West Sacramento](#)
P.O. Box 2060
West Sacramento CA 95691
916.997.6332
He/Him/His

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From: Ali David <msalidavid@gmail.com>
Sent: Saturday, March 5, 2022 9:29 AM
To: Don Bosley
Cc: Karen LeGrand; Anna Darzins; B H; Aleecia Gutierrez; Erin McEwen; Helena Helms; Nicole Ring
Subject: Re: Yolo Food Bank troubles

That's a great thing that our staff (including Don) are taking the situation in stride.

I'm relieved that YFB has accountability as it is needed in any organization.

Peace and goodwill be on all in these circumstances.

Ali

On Sat, Mar 5, 2022, 8:27 AM Don Bosley <don@wsmercycoalition.org> wrote:
Thanks to all for the encouragement and feedback. An update:

Predictably, word got around fast yesterday. I received an afternoon call from County Supervisor Oscar Villegas, our longtime friend and supporter. Oscar affirmed that Michael has essentially gone off the rails, completely driven by "greed" and "a power grab." Like city partners who I'd informed earlier in the day, Oscar was shocked by Michael's "brazen" decision to cut off our access to food recovery. He spent 30 minutes on the phone chronicling the facts of the Wednesday and Thursday interactions with YFB, and the whole Board of Supervisors will be digging into this.

There is now an outcry coming at Michael and the YFB Board from several directions, and at this point we're just standing back and answering questions if anyone wants to ask us. Meanwhile, I've asked Lynn and Nicole to do a grocery buy next week as if we had no access to recovery food, so that I can determine the cost of meeting all our food commitments without food recovery. If our access status isn't reversed, I'll have the information I need to begin going after grant or donor sources that may be able to help us fill the gap. Staff and I met yesterday and talked together about the importance of identifying the high road at every step and taking it, regardless of whatever slander or punitive decisions that Michael/YFB may invoke. They also understand the importance of not making this situation into a public gossip wheel or talking point; whatever frustrated processing we may need to do, we'll do it internally. I have to say, they all really impressed me with their maturity, resilience, and confidence that new answers would present themselves. Quite a crew we've assembled there.

I'll continue to keep you updated with any significant developments. And of course we'll have a chance to talk about it at next Wednesday's board meeting.

Have a blessed weekend!

Don Bosley
Executive Director
[Mercy Coalition of West Sacramento](https://www.westmercycoalition.org/)
P.O. Box 2060
West Sacramento CA 95691
916.997.6332
He/Him/His

Connection | Strategic | Developer | Positivity | Belief

On Fri, Mar 4, 2022 at 6:48 PM Karen LeGrand <karen.legrand@gmail.com> wrote:

Thanks for letting us know and for handling the situation graciously. It's very disappointing, but I'm honored to be part of an organization that keeps the primary goal to serve people and honor partners. Praying God will sort this out and restore relationships.

Take care,
Karen

On Fri, Mar 4, 2022 at 10:00 AM Anna Darzins <annadarzins@gmail.com> wrote:

Thank you Don. This is a difficult situation. I really appreciate your care in attending to it.

On Fri, Mar 4, 2022 at 9:54 AM B H <bhooker2000@gmail.com> wrote:

We are going to pray and let the Lord help us find the way Don.

Thank you for hanging in there. Great to see you and the team yesterday. You were all a well oiled machine. :)

On Thu, Mar 3, 2022 at 5:43 PM Don Bosley <don@wsmercycoalition.org> wrote:

Good evening, Board ... updating you here on some unfortunate circumstances that have unfolded in our relationship with Yolo Food Bank.

In short, YFB is apparently dissatisfied that we are not rallying to their side in their demand that Yolo County fund them fully for food recovery in the region. Instead, as we've discussed in the past, the County Supervisors and city jurisdictions have chosen to fund a less-expensive food recovery network to meet the SB1383 requirement; you may recall that they had identified nine smaller food pantries, including us, that they would pay up to \$26k for capacity-building in food recovery. It appeared we were on our way to a food recovery contract with Grocery Outlet that would bring us more food recovery resources.

Yesterday I received a call from Zane Hatfield, YFB's program director, in which he indicated that if we did not stand in solidarity with YFB, then they would consider cutting off our current access to food recovery at Nugget and Raley's (we've had this deal through YFB off-and-on for years). Zane indicated that his Board was pressing him to consider these kind of ultimatums. I was pretty stunned that they would actually be threatening to cut off our resources unless we got into alignment with them; it felt to me like being bullied by a union boss or something. I expressed my dismay and disbelief to Zane, and how this action ran counter to the character that I've always known YFB to have.

This morning we were informed by YFB that our food recovery at Raley's and Nugget will end on the 17th.

I talked late this afternoon to YFB executive director Michael Bisch, whose bitterness toward the County, the cities, and now partners like us is pretty palpable. The interaction was disappointing, to put it mildly. He basically indicated that we clearly had a different vision than them, and now we could just live with it.

I also talked with my good friend Nolan Sullivan at County HHS; there's no one in these matters whose wisdom I trust more. Nolan has been a consultant presence on the YFB Board and had real doubts about Zane's assertion that their Board was behind this kind of pressure. In fact, to his knowledge the Board had wanted Michael to ratchet down his ire.

Anyway, just wanted to bring you all up to speed. We will begin making plans for alternative food sources - I'm confident we'll find a way to get that done. I'll leave the catfight to YFB and the government entities; I personally have no interest in taking money from any of them at this point, but I'd be happy for us to do some food recovery for free (as we've always done) if someone makes an avenue available to us.

I'll keep you in the loop on any significant updates.

Don Bosley
Executive Director
[Mercy Coalition of West Sacramento](#)
P.O. Box 2060
West Sacramento CA 95691
916.997.6332
He/Him/His

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--

Anna Darzins

University of California, Berkeley
School of Social Welfare
Disability Studies
Haas Scholar, Researcher
(916)370-7640

From: Don Bosley <don@wsmercycoalition.org>
Sent: Thursday, February 2, 2023 6:32 PM
To: Strand, Susan
Cc: Marissa Juhler; Kent-Stone, Traci
Subject: Re: Lunch at the Recovery Cafe?

Teams would work great. Thank you, Susan.

Don Bosley
Executive Director
[Mercy Coalition of West Sacramento](#)
P.O. Box 2060
West Sacramento CA 95691
916.997.6332
He/Him/His

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On Thu, Feb 2, 2023 at 6:13 PM Strand, Susan <SUSANST@cityofwestsacramento.org> wrote:

That's right. I guess a virtual meeting makes the most sense then. Do you both have access to Teams? I can send a Zoom meeting request if that's preferable.

SUSAN STRAND

Senior Analyst, Recycling



1110 West Capitol Avenue

West Sacramento, CA 95691

Office: (916) 617-4590

Mobile: (916) 439-0184

Susanst@cityofwestsacramento.org

www.westsacrecycles.org



From: Don Bosley <don@wsmercycoalition.org>
Sent: Thursday, February 2, 2023 5:52 PM
To: Strand, Susan <SUSANST@cityofwestsacramento.org>
Cc: Marissa Juhler <Marissa.Juhler@yolocounty.org>; Kent-Stone, Traci <tracik@cityofwestsacramento.org>
Subject: Re: Lunch at the Recovery Cafe?

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Since it's a Thursday, it won't be open that day and may be used by Downtown Streets Team ...

Don Bosley

Executive Director

[Mercy Coalition of West Sacramento](#)

P.O. Box 2060

West Sacramento CA 95691

916.997.6332

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Connection | Strategic | Developer | Positivity | Belief

On Thu, Feb 2, 2023 at 5:49 PM Strand, Susan <SUSANST@cityofwestsacramento.org> wrote:

I believe both Traci and I are available the 23rd at noon. Should we meet at the Recovery Café?

From: Don Bosley <don@wsmercycoalition.org>

Sent: Thursday, February 2, 2023 4:56 PM

To: Marissa Juhler <Marissa.Juhler@yolocounty.org>

Cc: Strand, Susan <SUSANST@cityofwestsacramento.org>; Kent-Stone, Traci <tracik@cityofwestsacramento.org>

Subject: Re: Lunch at the Recovery Cafe?

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Thank you all! I can make the 2/22 at 2pm, or 2/23 at noon ... I couldn't make the 24th.

I appreciate you all squeezing us in during a busy season! Seems like virtual would be the best way to go given these availabilities ...

Thanks!

Don Bosley

Executive Director

[Mercy Coalition of West Sacramento](#)

P.O. Box 2060

West Sacramento CA 95691

916.997.6332

He/Him/His

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On Thu, Feb 2, 2023 at 4:45 PM Marissa Juhler <Marissa.Juhler@yolocounty.org> wrote:

Wonderful. Great to get this on the books. Here is my availability that week:

2/22 at 2pm

2/23 at Noon

2/24 at 9am

Sincerely,

Marissa Juhler

Interim Division Director

Landfill Operations & Waste Reduction Manager

Integrated Waste Management Division

Yolo County Central Landfill

44090 County Road 28H

Woodland, CA 95776

530-666-8813

Fax 530-666-8853



NOW OPEN EVERY THURSDAY

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From: Strand, Susan <SUSANST@cityofwestsacramento.org>
Sent: Thursday, February 2, 2023 4:43 PM
To: don <don@wsmercycoalition.org>; Marissa Juhler <Marissa.Juhler@yolocounty.org>
Cc: Kent-Stone, Traci <tracik@cityofwestsacramento.org>
Subject: RE: Lunch at the Recovery Cafe?

Hi Don and Marissa,

Traci and I were just discussing to need to get to work on our next funding agreement with Mercy Coalition and the Recovery Café.

Both Traci and I have very packed schedules the next couple of weeks, but we may have some time to meet the week of the 20th.

I'm not sure if there is a date and time that week that would work for you and Marissa.

I'd love to visit the Recovery Café in action but am open to whichever place and time works best for everyone.

Regards,

SUSAN STRAND

Senior Analyst, Recycling



1110 West Capitol Avenue

West Sacramento, CA 95691

Office: (916) 617-4590

Mobile: (916) 439-0184

Susanst@cityofwestsacramento.org

www.westsacrecycles.org



From: Don Bosley <don@wsmercycoalition.org>

Sent: Thursday, February 2, 2023 4:02 PM

To: Marissa Juhler <Marissa.Juhler@yolocounty.org>; Strand, Susan <SUSANST@cityofwestsacramento.org>

Subject: Lunch at the Recovery Cafe?

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Good afternoon, Marissa and Susan! Hope you're both doing splendidly.

I appreciated the conversation this afternoon, Marissa, and so I thought I'd reach out and see if we could schedule a meeting with y'all soon to consider what the Edible Food Recovery landscape may look like for 2023-24. We'd love to have you come enjoy lunch at the Recovery Cafe, if you like, and see some of the (literal) fruits of your labors ... but if time is a crunch, I'd be happy to come to you or meet virtually as well ...

Thanks for considering - look forward to seeing you all soon!

Don Bosley

Executive Director

[Mercy Coalition of West Sacramento](#)

P.O. Box 2060

West Sacramento CA 95691

916.997.6332

He/Him/His

Connection | Strategic | Developer | Positivity | Belief

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From: Don Bosley <don@wsmercycoalition.org>
Sent: Friday, August 5, 2022 3:33 PM
To: Nicole Ring-Collins
Subject: Fwd: Edible Food Recovery for the Recovery Cafe
Attachments: invite.ics

Wanna join me for this one as well? This is the re-engagement with the City/Waste Management Edible Food Recovery money ... the one we backed out of because of the food bank flap. They may well have \$26,000 that we can use in the cafe, and perhaps twice that next year ...

Don Bosley
Executive Director
[Mercy Coalition of West Sacramento](#)
P.O. Box 2060
West Sacramento CA 95691
916.997.6332
He/Him/His

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----- Forwarded message -----

From: Marissa Juhler <Marissa.Juhler@yolocounty.org>
Date: Fri, Aug 5, 2022 at 2:31 PM
Subject: Edible Food Recovery for the Recovery Cafe
To: don <don@wsmercycoalition.org>, Goularte, Traci <tracig@cityofwestsacramento.org>, Strand, Susan <SUSANST@cityofwestsacramento.org>, Pamela Hedrick <Pamela.Hedrick@yolocounty.org>

From: Serena Warner <swarner@akk-law.com>
Sent: Monday, May 15, 2023 8:51 AM
To: Don Bosley
Subject: RE: Bisch lawsuit against Yolo, et al - Inquiry from County's Attorney

Perfect – see you soon.

From: Don Bosley <don@wsmercycoalition.org>
Sent: Monday, May 15, 2023 8:50 AM
To: Serena Warner <swarner@akk-law.com>
Subject: Re: Bisch lawsuit against Yolo, et al - Inquiry from County's Attorney

Hi, Serena! Just realized I didn't respond to this ... yes, I'll be available for this Zoom call at 9. See you in a few ...

Don Bosley
Executive Director
[Mercy Coalition of West Sacramento](#)
P.O. Box 2060
West Sacramento CA 95691
916.997.6332
He/Him/His

Connection | Strategic | Developer | Positivity | Belief

On Sat, May 13, 2023 at 1:55 PM Serena Warner <swarner@akk-law.com> wrote:

Perfect, can we plan for 9:00 am on Monday? Is Zoom okay? I am including a link below, but if you would prefer a phone call instead, that is fine with me.

I am specifically interested in what the Yolo Food Bank/Bisch communicated to about not accepting the County's SB 1383 funding back in 2022, and then who you spoke to either at the County or in West Sacramento about what Yolo Food Bank told you. Thank you for carving out some time to discuss.

Serena Warner is inviting you to a scheduled Zoom meeting.

Topic: Bisch Litigation Meeting

Time: May 15, 2023 09:00 AM Pacific Time (US and Canada)

<https://us02web.zoom.us/j/84545535926>

Serena Warner

Attorney/Partner

Angelo, Kilday & Kilduff LLP

601 University Ave, Ste. 150

Sacramento, CA 95825

(916) 564-6100 ext. 235

From: Don Bosley <don@wsmercycoalition.org>

Sent: Friday, May 12, 2023 4:26 PM

To: Serena Warner <swarner@akk-law.com>

Subject: Re: Bisch lawsuit against Yolo, et al - Inquiry from County's Attorney

Hi, Serena. Sure thing - I can be available Monday anytime between 8:30am-10am or 2-4pm ...

Thanks!

Don Bosley

Executive Director

[Mercy Coalition of West Sacramento](#)

P.O. Box 2060

West Sacramento CA 95691

916.997.6332

He/Him/His

Connection | Strategic | Developer | Positivity | Belief

On Fri, May 12, 2023 at 2:41 PM Serena Warner <swarner@akk-law.com> wrote:

Hello Don,

I am an attorney representing Yolo, Davis, West, Sac and Woodland, and the named individuals, in a lawsuit brought by Mike Bisch regarding his release from the YFB Director position. I understand that prior to his release he had contacted you about not accepting SB 1383 funds from Yolo. I am hoping I could set up a call with you later today or Monday to ask a few questions. Would you have 15 minutes of time sometime soon?

Thank you,

Serena

Serena Warner

Attorney/Partner

Angelo, Kilday & Kilduff LLP

601 University Ave, Ste. 150

Sacramento, CA 95825

(916) 564-6100 ext. 235

From: Don Bosley <don@wsmercycoalition.org>
Sent: Wednesday, May 24, 2023 1:02 PM
To: Serena Warner
Subject: Re: Bisch Litigation - Draft Declaration

Hi, Serena. Hope your week is going well ...

Not surprisingly, I suppose, Michael's lawyer's subpoenaed me for a zoom appearance on June 6, along with all related communications and documents from 26 different entities or individuals. It's no problem, but I do have 1 question: I don't need a lawyer myself for this, right? Let me know if it's inappropriate to ask you ... :)

Thanks,

Don Bosley
Executive Director
[Mercy Coalition of West Sacramento](#)
P.O. Box 2060
West Sacramento CA 95691
916.997.6332
He/Him/His

Connection | Strategic | Developer | Positivity | Belief

On Mon, May 15, 2023 at 12:45 PM Serena Warner <swarner@akk-law.com> wrote:

Hello Don,

Thank you again for talking with me today. I did my best to synthesize our conversation. Please feel free to make any corrections – or let me know what corrections are needed and I can make them for you. I am also attaching a copy of the exhibit that is referenced in the declaration.

If the declaration looks good to you, please sign and date it, and send back to me.

Thank you!

Serena

Serena Warner

Attorney/Partner
Angelo, Kilday & Kilduff LLP

601 University Ave, Ste. 150

Sacramento, CA 95825

(916) 564-6100 ext. 235

SINGH EXHIBIT 4

From: Marissa Juhler <Marissa.Juhler@yolocounty.org>
To: Ken Hiatt
CC: Chad Rinde; Kathleen Trepas; Mike Webb (MWebb@cityofdavis.org); Aaron Laurel; Rosie Ledesma
Sent: 5/25/2022 1:16:19 PM
Subject: RE: COW Comments on SB1383 - Drat Pooled Funding Program Term Sheet

Thank you for the feedback Ken. I will incorporate these items into the draft document and discuss with MAC and WAC. If anyone else has additional input, please respond by June 10th.

Sincerely,

Marissa Juhler

Landfill Operations & Waste Reduction Manager
Integrated Waste Management Division
Yolo County Central Landfill
44090 County Road 28H
Woodland, CA 95776
530-666-8813
Fax 530-666-8853



(NEXT BLUE BARN SALE)

MAY 20th & 21st

(9:00 am – 3:00 pm)

From: Ken Hiatt <Ken.Hiatt@cityofwoodland.org>
Sent: Tuesday, May 24, 2022 4:45 PM
To: Marissa Juhler <Marissa.Juhler@yolocounty.org>
Cc: Chad Rinde <Chad.Rinde@yolocounty.org>; Kathleen Trepas <kathleen.trepas@cityofwinters.org>; Mike Webb (MWebb@cityofdavis.org) <mwebb@cityofdavis.org>; Aaron Laurel <aaronl@cityofwestsacramento.org>; Rosie Ledesma <Rosie.Ledesma@cityofwoodland.org>
Subject: COW Comments on SB1383 - Drat Pooled Funding Program Term Sheet

Marissa,

Thanks again for timing time to speak to us last week. As requested, I have reviewed the draft program with staff and would offer the comments below for consideration:

1. Allocation of pooled funds should be made proportionate to the amount of money contributed by each jurisdiction. Also, the total funding should be \$386,930, not \$410,230, which is the original amount the consultants had suggested for YFB (see pg. 22-24), and what our appropriation was based on when we took it to our Council in December. The \$410,230 amount includes software (\$23,300) that we did not budget for YFB when we originally appropriated the funds.
2. How will the program coordinator position be funded? Who will they report to? Worth clarifying in the document?
3. Confirm that the program outline is only for two years and if a pooled fund is established, will only be authorized to make allocations of the initial year funds (\$386,930).
4. If request is made by Yolo Food Bank for funding, no authorization of these initial year funds will be made without first consulting with the City Manager's and County Administrator. Similarly, CM's and

CPRA WOODLAND 000008

5. I have heard concerns from Tier 1 generators regarding approach/communication surrounding the compliance inspections conducted by the County. What is the status of engaging with the Tier 1 businesses to solicit their feedback on how best to handle compliance verification/reporting? Woodland Staff reports that they are experiencing difficulty in getting Tier 1 businesses to be responsive to our proactive efforts to educate or coordinate with them.

Thanks,



Ken Hiatt - City Manager
City of Woodland

From: Chad Rinde <Chad.Rinde@yolocounty.org>

Sent: Friday, May 06, 2022 1:41 PM

To: Kathleen Trepa <kathleen.trepa@cityofwinters.org>; Ken Hiatt <Ken.Hiatt@cityofwoodland.org>; Mike Webb <MWebb@cityofdavis.org> <mwebb@cityofdavis.org>; Aaron Laurel <aaronl@cityofwestsacramento.org>

Subject: FW: [EXTERNAL]Yolo Manager's Call

Hi Kathleen,

This is additional information on your questions related to SB1383 funding. Hopefully this helps us discussion to come shortly.

Chad

From: Marissa Juhler <Marissa.Juhler@yolocounty.org>

Sent: Friday, May 6, 2022 9:27 AM

To: Chad Rinde <Chad.Rinde@yolocounty.org>

Cc: Taro Echiburu <Taro.Echiburu@yolocounty.org>; Ramin Yazdani <Ramin.Yazdani@yolocounty.org>

Subject: RE: [EXTERNAL]Yolo Manager's Call

Chad,

In light of the recent letter from the Yolo Food Bank wanting to reopen the discussion about them receiving Edible Food Recovery funding, we are awaiting direction from the Board Members who received that letter to tell us how to proceed. If we entertain offering that funding back to YFB, there may not be a need for us to create the MOUs with the cities or house any of the funds. All funds would go directly to the YFB as originally planned.

I am certainly not advocating for this approach however it is a new reality we are facing since receiving that letter. I did make Kimberly Hood aware however that we are already in the process of offering these funds to UCD, the Woodland Food Closet and Yolo Crisis Nursery since we needed to move to Plan B when the YFB rejected our offer. I am in a holding pattern until I get further direction.

If however, you want to answer Kathleen directly on how we would handle funds should we continue to move forward with Plan B, and not entertain reopening these funds to the YFB:

1. Yes, we are all contributing what was previously agreed to and voted on by each elected body. However it was slightly modified downward since we originally had 44 Tier 1 Generators but have since determined that 2 of those are no longer required under the law to participate. This brought our count down to 42 Tier 1 Generators and we reduced everyone's financial commitment commensurate to that. For sake of planned, we are simply saying that these original amounts are now "not to exceed" amounts.
 - a. Yolo \$17,311
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 - d. West Sac \$276,976
 - e. Woodland \$276,976

- Case 2:23-cv-00455-MCF-DB Document 14-2 Filed 06/13/23 Page 59 of 105
2. As described in the attached document (See Table 1), each jurisdiction shall manage a portion of the funds on their own for direct payment to the smaller pantries. This is true for Davis, West Sac and Woodland who can directly pay the \$26-39K suggested amount to each smaller pantry out of their larger sum and only contribute the remaining portion to the fund. Winters and Yolo County however are required to commit a portion to this program that is not within the \$39K per party limit therefore we will both rely on the larger pot being set up first to assist us in distributing the funds to our smaller pantries. In the attached document the City of Winters should deposit \$19,535 into the fund. Once these funds are deposited, the City of Winters can request the County to cut a check to RISE for \$26-39K based upon what you and RISE agree to in the terms of your agreement.
 3. If money goes unused, the current intent is for the money to stay in the fund until the Cities and County can find an edible food recovery project to fund. (Currently our pantry in Esparto refuses to accept our funding because of their relationship with the YFB, so we know that \$9,768 of our contribution is sitting unused and available for a regional project)
 4. While we do have some challenges to consider, in light of the most recent letter issued by the YFB, the current plan is to have the Waste Advisory Committee (WAC) appoint a new Technical Advisory Committee (TAC), specifically to oversee these funds, with one representative from each jurisdiction. The TAC would review any regional projects and approve how the funds are allocated out to the community. If at any time the TAC cannot come to an agreement on how the funds are to be spent, they would present the item to the WAC for vote. This is outlined in the attached MOU however only works if the \$410,230 overall funding is not given back to the YFB.

Sincerely,

Marissa Juhler

Landfill Operations & Waste Reduction Manager
Integrated Waste Management Division
Yolo County Central Landfill
44090 County Road 28H
Woodland, CA 95776
530-666-8813
Fax 530-666-8853



(NEXT BLUE BARN SALE)
MAY 20th & 21st
(9:00 am – 3:00 pm)

From: Chad Rinde <Chad.Rinde@yolocounty.org>
Sent: Thursday, May 5, 2022 11:00 AM
To: Marissa Juhler <Marissa.Juhler@yolocounty.org>
Cc: Taro Echiburu <Taro.Echiburu@yolocounty.org>
Subject: Fwd: [EXTERNAL]Yolo Manager's Call

Hi Marissa,

Do you have an update or have a suggestion about the best way to respond to Kathleen's detailed questions? I could add you to the City manager meeting again if that might be best.

Chad

Begin forwarded message:

From: Kathleen Trepka <kathleen.trepka@cityofwinters.org>
Date: May 5, 2022 at 8:40:59 AM PDT
To: Chad Rinde <Chad.Rinde@yolocounty.org>

CPRA WOODLAND 000010

From: Ken Hiatt </O=WOODLAND/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=KEN HIATT0B4>
To: 'Marissa.Juhler@yolocounty.org'
CC: 'Chad Rinde'; Kathleen Trepas; Mike Webb (MWebb@cityofdavis.org); Aaron Laurel; Rosie Ledesma
Sent: 5/24/2022 4:44:44 PM
Subject: COW Comments on SB1383 - Drat Pooled Funding Program Term Sheet
Attachments: Funding Pogram.Term Sheet.Draft.3.28.22.pdf

Marissa,

Thanks again for timing time to speak to us last week. As requested, I have reviewed the draft program with staff and would offer the comments below for consideration:

1. Allocation of pooled funds should be made proportionate to the amount of money contributed by each jurisdiction. Also, the total funding should be \$386,930, not \$410,230, which is the original amount the consultants had suggested for YFB (see pg. 22-24), and what our appropriation was based on when we took it to our Council in December. The \$410,230 amount includes software (\$23,300) that we did not budget for YFB when we originally appropriated the funds.
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5. I have heard concerns from Tier 1 generators regarding approach/communication surrounding the compliance inspections conducted by the County. What is the status of engaging with the Tier 1 businesses to solicit their feedback on how best to handle compliance verification/reporting? Woodland Staff reports that they are experiencing difficulty in getting Tier 1 businesses to be responsive to our proactive efforts to educate or coordinate with them.

Thanks,



Ken Hiatt - City Manager
 City of Woodland

From: Chad Rinde <Chad.Rinde@yolocounty.org>
Sent: Friday, May 06, 2022 1:41 PM
To: Kathleen Trepas <kathleen.trepas@cityofwinters.org>; Ken Hiatt <Ken.Hiatt@cityofwoodland.org>; Mike Webb (MWebb@cityofdavis.org) <mwebb@cityofdavis.org>; Aaron Laurel <aaronl@cityofwestsacramento.org>
Subject: FW: [EXTERNAL]Yolo Manager's Call

Hi Kathleen,

This is additional information on your questions related to SB1383 funding. Hopefully this helps us discussion to come shortly.

Chad

From: Marissa Juhler <Marissa.Juhler@yolocounty.org>
Sent: Friday, May 6, 2022 9:27 AM

CPRA WOODLAND 000013

To: Chad Rinde <Chad.Rinde@yolocounty.org>

Cc: Taro Echiburu <Taro.Echiburu@yolocounty.org>; Ramin Yazdani <Ramin.Yazdani@yolocounty.org>

Subject: RE: [EXTERNAL]Yolo Manager's Call

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Marissa Juhler

Landfill Operations & Waste Reduction Manager
Integrated Waste Management Division
Yolo County Central Landfill
44090 County Road 28H
Woodland, CA 95776
530-666-8813

CPRA WOODLAND 000014

Thanks,
Ken

From: Chad Rinde <Chad.Rinde@yolocounty.org>
Sent: Friday, May 06, 2022 1:41 PM
To: Kathleen Trepka <kathleen.trepka@cityofwinters.org>; Ken Hiatt <Ken.Hiatt@cityofwoodland.org>; Mike Webb (MWebb@cityofdavis.org) <mwebb@cityofdavis.org>; Aaron Laurel <aaronl@cityofwestsacramento.org>
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Landfill Operations & Waste Reduction Manager
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530-666-8813
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(NEXT BLUE BARN SALE)
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Cc: Taro Echiburu <Taro.Echiburu@yolocounty.org>
Subject: Fwd: [EXTERNAL]Yolo Manager's Call

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Date: May 5, 2022 at 8:40:59 AM PDT

CPRA WOODLAND 000023

From: Ken Hiatt <K-HIATT@WOODLAND/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=KEN HIATT0B4>
To: Rosie Ledesma
CC: Brent Meyer
Sent: 5/23/2022 11:30:40 AM
Subject: SB 1383 Draft Funding Program Term Sheet
Attachments: Funding Pogram.Term Sheet.Draft.3.28.22.pdf

Rosie,

Marissa spoke to our CM/CAO ground this past Friday regarding status of SB1383 coordination. She asked for comments back on the attached approach to coordinating on "regional" (aka Yolo-wide) pooled funding considerations as well as compliance. I scanned it this weekend and have the following comments to submit pending your review:

1. Allocation of pooled funds should be made proportionate to the amount of money contributed by each jurisdiction.
2. How will the program coordinator position be funded? Who will they report to?
3. Confirm that the program outline is only for two years and if a pooled fund is established, will only be authorized to make allocations of the initial year funds (\$410,230).
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Sent: Friday, May 6, 2022 9:27 AM
To: Chad Rinde <Chad.Rinde@yolocounty.org>
Cc: Taro Echiburu <Taro.Echiburu@yolocounty.org>; Ramin Yazdani <Ramin.Yazdani@yolocounty.org>
Subject: RE: [EXTERNAL]Yolo Manager's Call

Chad,

In light of the recent letter from the Yolo Food Bank wanting to reopen the discussion about them receiving Edible Food Recovery funding, we are awaiting direction from the Board Members who received that letter to tell us how to proceed. If we entertain offering that funding back to YFB, there may not be a need for us to create the MOUs with the cities or house any of the funds. All funds would go directly to the YFB as originally planned.

CPRA WOODLAND 000028

From: Rosie Ledesma </O=WOODLAND/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=RSALAS>
To: Pinar Kose; Carlson, Robert@CalRecycle
Sent: 4/5/2022 10:31:03 AM
Subject: FW: County Letter to Yolo Food Bank Board
Attachments: 2022-0318-FINAL Letter to YFB Board.pdf

From: Ken Hiatt <Ken.Hiatt@cityofwoodland.org>
Sent: Friday, March 18, 2022 6:42 PM
To: Mayra Vega <Mayra.Vega@cityofwoodland.org>; Vicky Fernandez <Vicky.Fernandez@cityofwoodland.org>; Rich Lansburgh <Rich.Lansburgh@cityofwoodland.org>; Tom Stallard <Tom.Stallard@cityofwoodland.org>; Tania Garcia Cadena <Tania.GarciaCadena@cityofwoodland.org>
Cc: Rosie Ledesma <Rosie.Ledesma@cityofwoodland.org>
Subject: FW: County Letter to Yolo Food Bank Board

Council,

Forwarding the attached communication from Yolo County to the Board of the Yolo Food Bank. The letter was prompted by recent actions taken by the Food Bank that have impacted various food recovery organizations in the County. The Food Bank executive director continues to challenge the County and city's approach to implementation of SB 1383 in spite of our collective efforts to try and work collaboratively with them.

I will keep you informed as this situation evolves.

Ken

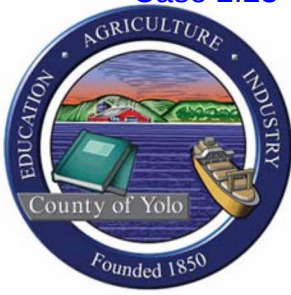
From: Chad Rinde <Chad.Rinde@yolocounty.org>
Sent: Friday, March 18, 2022 5:09 PM
To: Tom@mullerag.com; jdurst@durstorganicgrowers.com; Westsacramento@groceryoutlet.com; hartmad3@sutterhealth.org; MattMariani@MarianiNut.com; danramos@ramco-ent.com; esspang@ucdavis.edu; kate.stille@nuggetmarket.com; LWalker@thatsmybank.com
Cc: Philip Pogledich <Philip.Pogledich@yolocounty.org>; Mike Webb (MWebb@cityofdavis.org) <mwebb@cityofdavis.org>; Aaron Laurel <aaronl@cityofwestsacramento.org>; Kathleen Trepas <kathleen.trepas@cityofwinters.org>; Ken Hiatt <Ken.Hiatt@cityofwoodland.org>; michael <michael@yolofoodbank.org>
Subject: County Letter to Yolo Food Bank Board

Good evening Yolo Food Bank Board of Directors,

Attached, please find a letter that I am sending on behalf of the Yolo County Board of Supervisors. I would appreciate if you can ensure that your full board has received a copy. While we endeavored to send electronically to the full board, I was unable to obtain an e-mail for Ms. Schmitz and a thus a hard copy was be sent to her attention.

Thank you,

Chad D. Rinde, CPA
 Interim County Administrator
 County of Yolo
 Off: (530) 666-8050



COUNTY OF YOLO

Board of Supervisors

625 Court Street, Room 204 • Woodland, CA 95695
(530) 666-8195 • FAX (530) 666-8193
www.yolocounty.org

District 1, **Oscar Villegas, Vice-Chair**
District 2, **Don Saylor**
District 3, **Gary Sandy**
District 4, **Jim Provenza**
District 5, **Angel Barajas, Chair**

Interim County Administrator, **Chad Rinde**
Deputy Clerk of the Board, **Julie Dachtler**

March 18, 2022

Board of Directors
Yolo Food Bank
233 Harter Ave
Woodland, CA 95776

Re: Request for Review of Actions Related to Alleged Termination of Nonprofit Contracts for Accepting Edible Food Recovery Grant Funding

Dear Chair Muller and Directors:

This letter requests that your Board of Directors act immediately to protect local food recovery organizations—a vital part of the County food recovery network—against actions that compromise their ability to provide food to those in need. We continue to gather information about the role of Yolo Food Bank leadership in these actions, which may include deterring small food pantries, churches, and other organizations from accepting local government funding and retaliating against those that accept funding by curtailing their access to donated food. While we hope your leadership's role has been mischaracterized, the community stakes are too high for us to delay requesting your immediate attention to these concerns.

As you know, the County is dedicated to improving the food security of its residents. The County administers CalFresh, WIC, and other programs and efforts focused on local food security, nutrition, and public health. The County granted \$500,000 to Yolo Food Bank in 2019 to expand food recovery and distributions. During the COVID-19 pandemic, the County and Yolo Food Bank partnered to increase food recovery and distribution efforts, with the County providing nearly \$1,500,000 and significant County staff to support Yolo Food Bank operations. The County has also tentatively allocated \$3,000,000 in American Recovery Plan Act ("ARPA") funding to local food security, including a grant of up to \$2,000,000 to New Seasons Community Development Corporation to support construction of a regional food hub in Capay Valley. Finally, the County and the cities of Davis, West Sacramento, Winters, and Woodland (collectively, the "Cities"), are offering \$761,698 to Yolo Food Bank (which declined funding) and nine other community organizations to increase food recovery and distribution capacity pursuant to Senate Bill 1383 ("SB 1383").

The latter effort, relating to SB 1383 implementation, appears to be central to the developing crisis that prompted this letter. The \$761,698 allocated by the County and Cities to SB 1383 implementation in 2022 will achieve many capacity and logistics improvements for the recipient food recovery entities. For example, the County's proposed 2022 funding to Countryside Church would enable the purchase of scales, a new cold storage refrigerator, and a new freezer, and would also provide additional funding for staff salaries, stipends, or other discretionary expenditures to allow the collection of edible food from the Esparto Valley Market, thus redirecting food from the landfill to those in need. Additional funding in future years would further help the Church—the only entity serving the Esparto area—improve its capacity to collect and distribute food.

CPRA WOODLAND 000039

Board of Directors, Yolo Food Bank
Page 2

We acknowledge that Yolo Food Bank leadership disagree with the local approach to SB 1383 implementation and have advocated for local governments to “fully fund[] a surplus edible food recovery program countywide”¹ by providing a greater local contribution (\$2 million or more annually) to Yolo Food Bank. We also recognize that your CEO, Michael Bisch, contends that the local approach to SB 1383 compliance is somehow legally deficient and that Yolo Food Bank has rejected local government funding offered in connection with SB 1383.² Some members of your Board have expressed a similar view regarding local efforts to comply with SB 1383, indicating that the County and Cities must provide more funding directly to Yolo Food Bank to reduce or eliminate its need to fundraise to support local food recovery efforts.³

The County has previously considered these perspectives. Among other things, the County retained an independent consultant to study local food recovery capacity and conferred with CalRecycle to ensure the County’s edible food recovery program complies with SB 1383. The implementation decisions made at the October 12, 2021 meeting of the Yolo County Board of Supervisors reflect our assessment of the most appropriate near-term approach to local SB 1383 implementation. We decline to debate competing approaches further in this letter except to say that whatever disagreement may exist regarding local implementation of SB 1383, we must prevent it from harming the charitable organizations that feed those in need. Local community organizations must not be forced to choose between access to food and accepting funding to improve their work.

Mr. Bisch has responded to inquiries from the County regarding this issue to clarify that the Yolo Food Bank has the “exclusive right to solicit food donations from Feeding America affiliated donors in Yolo County and responsibility to then equitably distribute said food throughout the County.” And that the Yolo Food Bank may, in turn, “choose to subcontract this work in some instances with partner nonprofits on mutually agreeable terms.” But it is our understanding that the Yolo Food Bank may now be threatening to terminate subcontracts with partner nonprofits simply because they may also choose to accept funding from the County related to expansion of edible food recovery programs. Such actions, if accurate, are contrary to the shared goals of redirecting edible food from the landfill to those in need, regardless of disputes we may have regarding SB 1383 requirements.

We ask that you take all steps necessary to ensure that Yolo Food Bank leadership is not responsible and, if you determine otherwise, do whatever is needed to immediately end this situation. This could include reassuring all local community partners that Yolo Food Bank will not restrict food distribution or otherwise retaliate against those accepting SB 1383 funding to improve their capacity to feed more people. The County stands ready to take any actions necessary to resolve this crisis but will not be forced to the table—to the extent that may be the underlying goal—to revisit the discretionary policy decisions already made regarding near-term SB 1383 implementation.

We would be remiss if we did not express our concern that the actions attributed to Yolo Food Bank’s leadership, if true, create a serious question about their commitment to local food security and the best interests of our

¹ Yolo Food Bank letter to Board of Supervisors and City Councils, July 10, 2021 (available at: <https://yolofoodbank.org/in-the-news/food-recovery-support-letter/>).

² M. Bisch letter to R. Yazdani, Oct. 3, 2021; see also Anon., *New Yolo Food Bank Mission and Vision Prioritize Nutrition, Food Equity, and Resilience as Pandemic Lingers in New Year*, Davis Vanguard, Jan. 22, 2022 (quoting Michael Bisch as stating: “As a result, in 2022 we’re pivoting toward investing our donors’ generous contributions in the food equity work of our new mission and vision, *setting aside state-mandated activities that are the responsibility of local governments to fund and execute such as SB 1383 edible food recovery*. Yolo Food Bank must focus upon advancing the healthy outcomes that all local residents deserve, thereby increasing their quality of life.”).

³ J. Durst, *Guest Commentary: Feeding All Residents, Especially Vulnerable Children, Highest Priority*, Davis Vanguard, Sept. 20, 2021.

Board of Directors, Yolo Food Bank
Page 3

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We look forward to moving past the current challenges and reaffirming our strong partnership with Yolo Food Bank. We sincerely appreciate your consideration of the concerns raised in this letter and look forward to hearing from you shortly.

Sincerely,



Angel Barajas
Chair
Yolo County Board of Supervisors



Oscar Villegas
Vice Chair
Yolo County Board of Supervisors

cc: Board of Supervisors, Yolo County
Chad Rinde, Interim County Administrative Officer
Philip Pogledich, County Counsel
Mike Webb, City Manager, City of Davis
Aaron Laurel, City Manager, City of West Sacramento
Kathleen Treppe, City Manager, City of Winters
Ken Hiatt, City Manager, City of Woodland

From: Tania Garcia Cadena </O=WOODLAND/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B1B9F9B864F4155821A230A224D2B86-TANIA GARCIA CA>
To: Ken Hiatt
Sent: 3/20/2022 8:05:33 PM
Subject: Re: County Letter to Yolo Food Bank Board

Ken,

I, obviously, find this very concerning. The Woodland Volunteer Food Closet has not seen any form of retaliation for participating in SB1383 funding, but we've been questioned about our role at two different meetings. Last month we were informed that the Yolo Food Bank would be modifying their mission, but that staff was unable to share any details at this time. I'm looking forward to a positive outcome from this situation.

Thank you for sharing.

Tania

From: Ken Hiatt
Sent: Friday, March 18, 2022 6:41:48 PM
To: Mayra Vega; Vicky Fernandez; Rich Lansburgh; Tom Stallard; Tania Garcia Cadena
Cc: Rosie Ledesma
Subject: FW: County Letter to Yolo Food Bank Board

Council,

Forwarding the attached communication from Yolo County to the Board of the Yolo Food Bank. The letter was prompted by recent actions taken by the Food Bank that have impacted various food recovery organizations in the County. The Food Bank executive director continues to challenge the County and city's approach to implementation of SB 1383 in spite of our collective efforts to try and work collaboratively with them.

I will keep you informed as this situation evolves.

Ken

From: Chad Rinde <Chad.Rinde@yolocounty.org>
Sent: Friday, March 18, 2022 5:09 PM
To: Tom@mullerag.com; jdurst@durstorganicgrowers.com; Westsacramento@groceryoutlet.com; hartmad3@sutterhealth.org; MattMariani@MarianiNut.com; danramos@ramco-ent.com; esspang@ucdavis.edu; kate.stille@nuggetmarket.com; LWalker@thatsmybank.com
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Subject: County Letter to Yolo Food Bank Board

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Thank you,

Chad D. Rinde, CPA
Interim County Administrator
County of Yolo
Off: (530) 666-8050

CPRA WOODLAND 000054

From: Strand, Susan <SUSANST@cityofwestsacramento.org>
To: Rosie Ledesma
CC: Jennifer Gilbert; Adrienne Heinig; Goularte, Traci; Kristine DeGuerre; Marissa Juhler; Pamela Hedrick; Maris Samsel
Sent: 3/19/2022 8:47:14 PM
Subject: Re: County Letter to Yolo Food Bank Board
Attachments: 2022-0318-FINAL Letter to YFB Board.pdf

Wow, that's an excellent letter. Thanks so much for sharing it Rosie. I have been so upset by this situation. It is great to finally see the unethical actions of Michael Bisch finally being fully addressed in public.
 Susan

On Mar 18, 2022, at 7:12 PM, Rosie Ledesma <rosie.ledesma@cityofwoodland.org> wrote:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Forwarding in case you haven't seen this.

Thank you, Yolo County! (Aka Marissa!)

From: Ken Hiatt <Ken.Hiatt@cityofwoodland.org>
Sent: Friday, March 18, 2022 6:41:48 PM
To: Mayra Vega <Mayra.Vega@cityofwoodland.org>; Vicky Fernandez <Vicky.Fernandez@cityofwoodland.org>; Rich Lansburgh <Rich.Lansburgh@cityofwoodland.org>; Tom Stallard <Tom.Stallard@cityofwoodland.org>; Tania Garcia Cadena <Tania.GarciaCadena@cityofwoodland.org>
Cc: Rosie Ledesma <Rosie.Ledesma@cityofwoodland.org>
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Cc: Philip Pogledich <Philip.Pogledich@yolocounty.org>; Mike Webb (MWebb@cityofdavis.org) <mwebb@cityofdavis.org>; Aaron Laurel <aaronl@cityofwestsacramento.org>; Kathleen Trepas <kathleen.trepas@cityofwinters.org>; Ken Hiatt <Ken.Hiatt@cityofwoodland.org>; michael <michael@yolofoodbank.org>
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 CIPRA WOODLAND 000056

sent to her attention.

Thank you,

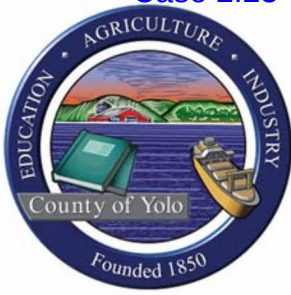
Chad D. Rinde, CPA

Interim County Administrator

County of Yolo

Off: (530) 666-8050

This message may contain confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please do not print, copy, re-transmit, disseminate, or otherwise use the information. Also, please indicate to the sender that you have received this email in error, and delete the copy you received. The sender does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. E-mail correspondence with the City, including attachments, may be subject to the California Public Records Act, and as such may be subject to public disclosure unless otherwise exempt by the Act.



COUNTY OF YOLO

Board of Supervisors

625 Court Street, Room 204 • Woodland, CA 95695
(530) 666-8195 • FAX (530) 666-8193
www.yolocounty.org

District 1, **Oscar Villegas, Vice-Chair**
District 2, **Don Saylor**
District 3, **Gary Sandy**
District 4, **Jim Provenza**
District 5, **Angel Barajas, Chair**

Interim County Administrator, **Chad Rinde**
Deputy Clerk of the Board, **Julie Dachtler**

March 18, 2022

Board of Directors
Yolo Food Bank
233 Harter Ave
Woodland, CA 95776

Re: Request for Review of Actions Related to Alleged Termination of Nonprofit Contracts for Accepting Edible Food Recovery Grant Funding

Dear Chair Muller and Directors:

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CPRA WOODLAND 000058

Board of Directors, Yolo Food Bank
Page 2

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¹ Yolo Food Bank letter to Board of Supervisors and City Councils, July 10, 2021 (available at: <https://yolofoodbank.org/in-the-news/food-recovery-support-letter/>).

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Board of Directors, Yolo Food Bank
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Sincerely,



Angel Barajas
Chair
Yolo County Board of Supervisors



Oscar Villegas
Vice Chair
Yolo County Board of Supervisors

cc: Board of Supervisors, Yolo County
Chad Rinde, Interim County Administrative Officer
Philip Pogledich, County Counsel
Mike Webb, City Manager, City of Davis
Aaron Laurel, City Manager, City of West Sacramento
Kathleen Treppe, City Manager, City of Winters
Ken Hiatt, City Manager, City of Woodland

From: Jennifer Gilbert <JGilbert@cityofdavis.org>
To: Rosie Ledesma
Sent: 3/18/2022 7:12:17 PM
Subject: Automatic reply: County Letter to Yolo Food Bank Board

Hello,

I am out of the office and will respond to your email when I return on Monday, March 28. I will respond to email messages when I return.

For questions regarding the Bulky Waste Landfill Voucher, or for information on how to recycle something, please contact Recology Davis at RecologyDavis@Recology.com or 530-756-4646.

If you need immediate assistance, please contact the Public Works Utilities and Operations Department main office at PWWeb@CityofDavis.org, or call 530-757-5686.

Thank you,

Jennifer Gilbert
Conservation Coordinator
City of Davis Public Works Utilities and Operations
1717 5th Street | Davis, CA 95616
530-757-5688 | DavisRecycling.org

From: Rich Lansburgh <RICH.LANSBURGH@CITYOFWOODLAND.ORG>
(FYDIBOHF23SPDLT)/CN=RECIPIENTS
/CN=6B8A7CE3938E44DBA903C3A30199C105-RICH LANSBURGH>
To: Ken Hiatt
Sent: 3/18/2022 7:15:30 PM
Subject: Re: County Letter to Yolo Food Bank Board
Attachments: 2022-0318-FINAL Letter to YFB Board.pdf

That's a pretty strong position to take. But necessary.

Sent from my iPhone

On Mar 18, 2022, at 6:41 PM, Ken Hiatt <Ken.Hiatt@cityofwoodland.org> wrote:

Council,

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I will keep you informed as this situation evolves.

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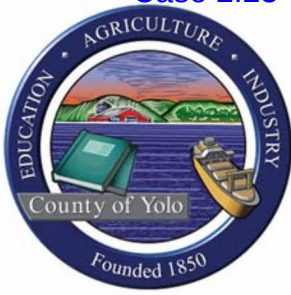
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Cc: Philip Pogledich <Philip.Pogledich@yolocounty.org>; Mike Webb (MWebb@cityofdavis.org) <mwebb@cityofdavis.org>; Aaron Laurel <aaronl@cityofwestsacramento.org>; Kathleen Trepas <kathleen.trepas@cityofwinters.org>; Ken Hiatt <Ken.Hiatt@cityofwoodland.org>; michael <michael@yolofoodbank.org>
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Thank you,

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Interim County Administrator
County of Yolo
Off: (530) 666-8050



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District 5, **Angel Barajas, Chair**

Interim County Administrator, **Chad Rinde**
Deputy Clerk of the Board, **Julie Dachtler**

March 18, 2022

Board of Directors
Yolo Food Bank
233 Harter Ave
Woodland, CA 95776

Re: Request for Review of Actions Related to Alleged Termination of Nonprofit Contracts for Accepting Edible Food Recovery Grant Funding

Dear Chair Muller and Directors:

This letter requests that your Board of Directors act immediately to protect local food recovery organizations—a vital part of the County food recovery network—against actions that compromise their ability to provide food to those in need. We continue to gather information about the role of Yolo Food Bank leadership in these actions, which may include deterring small food pantries, churches, and other organizations from accepting local government funding and retaliating against those that accept funding by curtailing their access to donated food. While we hope your leadership's role has been mischaracterized, the community stakes are too high for us to delay requesting your immediate attention to these concerns.

As you know, the County is dedicated to improving the food security of its residents. The County administers CalFresh, WIC, and other programs and efforts focused on local food security, nutrition, and public health. The County granted \$500,000 to Yolo Food Bank in 2019 to expand food recovery and distributions. During the COVID-19 pandemic, the County and Yolo Food Bank partnered to increase food recovery and distribution efforts, with the County providing nearly \$1,500,000 and significant County staff to support Yolo Food Bank operations. The County has also tentatively allocated \$3,000,000 in American Recovery Plan Act ("ARPA") funding to local food security, including a grant of up to \$2,000,000 to New Seasons Community Development Corporation to support construction of a regional food hub in Capay Valley. Finally, the County and the cities of Davis, West Sacramento, Winters, and Woodland (collectively, the "Cities"), are offering \$761,698 to Yolo Food Bank (which declined funding) and nine other community organizations to increase food recovery and distribution capacity pursuant to Senate Bill 1383 ("SB 1383").

The latter effort, relating to SB 1383 implementation, appears to be central to the developing crisis that prompted this letter. The \$761,698 allocated by the County and Cities to SB 1383 implementation in 2022 will achieve many capacity and logistics improvements for the recipient food recovery entities. For example, the County's proposed 2022 funding to Countryside Church would enable the purchase of scales, a new cold storage refrigerator, and a new freezer, and would also provide additional funding for staff salaries, stipends, or other discretionary expenditures to allow the collection of edible food from the Esparto Valley Market, thus redirecting food from the landfill to those in need. Additional funding in future years would further help the Church—the only entity serving the Esparto area—improve its capacity to collect and distribute food.

CPRA WOODLAND 000063

Board of Directors, Yolo Food Bank
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We acknowledge that Yolo Food Bank leadership disagree with the local approach to SB 1383 implementation and have advocated for local governments to “fully fund[] a surplus edible food recovery program countywide”¹ by providing a greater local contribution (\$2 million or more annually) to Yolo Food Bank. We also recognize that your CEO, Michael Bisch, contends that the local approach to SB 1383 compliance is somehow legally deficient and that Yolo Food Bank has rejected local government funding offered in connection with SB 1383.² Some members of your Board have expressed a similar view regarding local efforts to comply with SB 1383, indicating that the County and Cities must provide more funding directly to Yolo Food Bank to reduce or eliminate its need to fundraise to support local food recovery efforts.³

The County has previously considered these perspectives. Among other things, the County retained an independent consultant to study local food recovery capacity and conferred with CalRecycle to ensure the County’s edible food recovery program complies with SB 1383. The implementation decisions made at the October 12, 2021 meeting of the Yolo County Board of Supervisors reflect our assessment of the most appropriate near-term approach to local SB 1383 implementation. We decline to debate competing approaches further in this letter except to say that whatever disagreement may exist regarding local implementation of SB 1383, we must prevent it from harming the charitable organizations that feed those in need. Local community organizations must not be forced to choose between access to food and accepting funding to improve their work.

Mr. Bisch has responded to inquiries from the County regarding this issue to clarify that the Yolo Food Bank has the “exclusive right to solicit food donations from Feeding America affiliated donors in Yolo County and responsibility to then equitably distribute said food throughout the County.” And that the Yolo Food Bank may, in turn, “choose to subcontract this work in some instances with partner nonprofits on mutually agreeable terms.” But it is our understanding that the Yolo Food Bank may now be threatening to terminate subcontracts with partner nonprofits simply because they may also choose to accept funding from the County related to expansion of edible food recovery programs. Such actions, if accurate, are contrary to the shared goals of redirecting edible food from the landfill to those in need, regardless of disputes we may have regarding SB 1383 requirements.

We ask that you take all steps necessary to ensure that Yolo Food Bank leadership is not responsible and, if you determine otherwise, do whatever is needed to immediately end this situation. This could include reassuring all local community partners that Yolo Food Bank will not restrict food distribution or otherwise retaliate against those accepting SB 1383 funding to improve their capacity to feed more people. The County stands ready to take any actions necessary to resolve this crisis but will not be forced to the table—to the extent that may be the underlying goal—to revisit the discretionary policy decisions already made regarding near-term SB 1383 implementation.

We would be remiss if we did not express our concern that the actions attributed to Yolo Food Bank’s leadership, if true, create a serious question about their commitment to local food security and the best interests of our

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Board of Directors, Yolo Food Bank
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We look forward to moving past the current challenges and reaffirming our strong partnership with Yolo Food Bank. We sincerely appreciate your consideration of the concerns raised in this letter and look forward to hearing from you shortly.

Sincerely,



Angel Barajas
Chair
Yolo County Board of Supervisors



Oscar Villegas
Vice Chair
Yolo County Board of Supervisors

cc: Board of Supervisors, Yolo County
Chad Rinde, Interim County Administrative Officer
Philip Pogledich, County Counsel
Mike Webb, City Manager, City of Davis
Aaron Laurel, City Manager, City of West Sacramento
Kathleen Trepka, City Manager, City of Winters
Ken Hiatt, City Manager, City of Woodland

From: Rosie Ledesma /O=WOODLAND/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS /CN=RSALAS>
To: Jennifer Gilbert; Adrienne Heinig; Susan Strand; Traci Goularte; Kristine DeGuerre; Marissa Juhler; Pamela Hedrick
CC: Maris Samsel
Sent: 3/18/2022 7:11:59 PM
Subject: Fwd: County Letter to Yolo Food Bank Board
Attachments: 2022-0318-FINAL Letter to YFB Board.pdf

Forwarding in case you haven't seen this.

Thank you, Yolo County! (Aka Marissa!)

From: Ken Hiatt <Ken.Hiatt@cityofwoodland.org>
Sent: Friday, March 18, 2022 6:41:48 PM
To: Mayra Vega <Mayra.Vega@cityofwoodland.org>; Vicky Fernandez <Vicky.Fernandez@cityofwoodland.org>; Rich Lansburgh <Rich.Lansburgh@cityofwoodland.org>; Tom Stallard <Tom.Stallard@cityofwoodland.org>; Tania Garcia Cadena <Tania.GarciaCadena@cityofwoodland.org>
Cc: Rosie Ledesma <Rosie.Ledesma@cityofwoodland.org>
Subject: FW: County Letter to Yolo Food Bank Board

Council,

Forwarding the attached communication from Yolo County to the Board of the Yolo Food Bank. The letter was prompted by recent actions taken by the Food Bank that have impacted various food recovery organizations in the County. The Food Bank executive director continues to challenge the County and city's approach to implementation of SB 1383 in spite of our collective efforts to try and work collaboratively with them.

I will keep you informed as this situation evolves.

Ken

From: Chad Rinde <Chad.Rinde@yolocounty.org>
Sent: Friday, March 18, 2022 5:09 PM
To: Tom@mullerag.com; jdurst@durstorganicgrowers.com; Westsacramento@groceryoutlet.com; hartmad3@sutterhealth.org; MattMariani@MarianiNut.com; danramos@ramco-ent.com; esspang@ucdavis.edu; kate.stille@nuggetmarket.com; LWalker@thatsmybank.com
Cc: Philip Pogledich <Philip.Pogledich@yolocounty.org>; Mike Webb (MWebb@cityofdavis.org) <mwebb@cityofdavis.org>; Aaron Laurel <aaronl@cityofwestsacramento.org>; Kathleen Trepas <kathleen.trepas@cityofwinters.org>; Ken Hiatt <Ken.Hiatt@cityofwoodland.org>; michael <michael@yolofoodbank.org>
Subject: County Letter to Yolo Food Bank Board

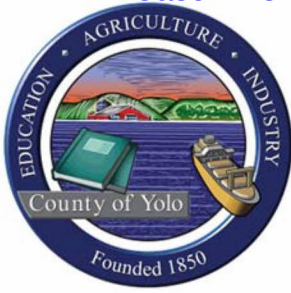
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Attached, please find a letter that I am sending on behalf of the Yolo County Board of Supervisors. I would appreciate if you can ensure that your full board has received a copy. While we endeavored to send electronically to the full board, I was unable to obtain an e-mail for Ms. Schmitz and a hard copy was sent to her attention.

Thank you,

Chad D. Rinde, CPA
Interim County Administrator
County of Yolo
Off: (530) 666-8050

CPRA WOODLAND 000066



COUNTY OF YOLO

Board of Supervisors

625 Court Street, Room 204 • Woodland, CA 95695
(530) 666-8195 • FAX (530) 666-8193
www.yolocounty.org

District 1, **Oscar Villegas, Vice-Chair**
District 2, **Don Saylor**
District 3, **Gary Sandy**
District 4, **Jim Provenza**
District 5, **Angel Barajas, Chair**

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CPRA WOODLAND 000067

Board of Directors, Yolo Food Bank
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Board of Directors, Yolo Food Bank
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Vice Chair
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cc: Board of Supervisors, Yolo County
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Aaron Laurel, City Manager, City of West Sacramento
Kathleen Treppe, City Manager, City of Winters
Ken Hiatt, City Manager, City of Woodland

From: Tom Stallard <tstallard@legintrent.com>
To: Ken Hiatt
Sent: 3/18/2022 6:55:17 PM
Subject: Re: County Letter to Yolo Food Bank Board
Attachments: 2022-0318-FINAL Letter to YFB Board.pdf

A spicy meatball, indeed. That board has to get Bisch under control or bounce him.

On Mar 18, 2022, at 6:41 PM, Ken Hiatt <Ken.Hiatt@cityofwoodland.org> wrote:

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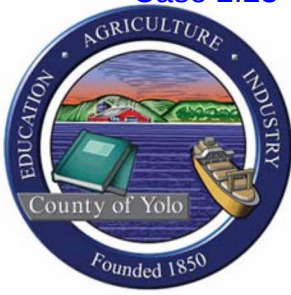
From: Chad Rinde <Chad.Rinde@yolocounty.org>
Sent: Friday, March 18, 2022 5:09 PM
To: Tom@mullerag.com; jdurst@durstorganicgrowers.com; Westsacramento@groceryoutlet.com; hartmad3@sutterhealth.org; MattMariani@MarianiNut.com; danramos@ramco-ent.com; esspang@ucdavis.edu; kate.stille@nuggetmarket.com; LWalker@thatsmybank.com
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CPRA WOODLAND 000071

Board of Directors, Yolo Food Bank
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Oscar Villegas
Vice Chair
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cc: Board of Supervisors, Yolo County
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Philip Pogledich, County Counsel
Mike Webb, City Manager, City of Davis
Aaron Laurel, City Manager, City of West Sacramento
Kathleen Treppe, City Manager, City of Winters
Ken Hiatt, City Manager, City of Woodland

From: Ken Hiatt </O=WOODLAND/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=KEN HIATT0B4>
To: Mayra Vega; Vicky Fernandez; Rich Lansburgh; Tom Stallard; Tania Garcia Cadena
CC: Rosie Ledesma
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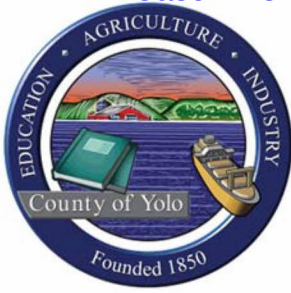
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Cc: Philip Pogledich <Philip.Pogledich@yolocounty.org>; Mike Webb (MWebb@cityofdavis.org) <mwebb@cityofdavis.org>; Aaron Laurel <aaronl@cityofwestsacramento.org>; Kathleen Trepa <kathleen.trepa@cityofwinters.org>; Ken Hiatt <Ken.Hiatt@cityofwoodland.org>; michael <michael@yolofoodbank.org>
Subject: County Letter to Yolo Food Bank Board

Good evening Yolo Food Bank Board of Directors,

Attached, please find a letter that I am sending on behalf of the Yolo County Board of Supervisors. I would appreciate if you can ensure that your full board has received a copy. While we endeavored to send electronically to the full board, I was unable to obtain an e-mail for Ms. Schmitz and a thus a hard copy was be sent to her attention.

Thank you,

Chad D. Rinde, CPA
Interim County Administrator
County of Yolo
Off: (530) 666-8050



COUNTY OF YOLO

Board of Supervisors

625 Court Street, Room 204 • Woodland, CA 95695
(530) 666-8195 • FAX (530) 666-8193
www.yolocounty.org

District 1, **Oscar Villegas, Vice-Chair**
District 2, **Don Saylor**
District 3, **Gary Sandy**
District 4, **Jim Provenza**
District 5, **Angel Barajas, Chair**

Interim County Administrator, **Chad Rinde**
Deputy Clerk of the Board, **Julie Dachtler**

March 18, 2022

Board of Directors
Yolo Food Bank
233 Harter Ave
Woodland, CA 95776

Re: Request for Review of Actions Related to Alleged Termination of Nonprofit Contracts for Accepting Edible Food Recovery Grant Funding

Dear Chair Muller and Directors:

This letter requests that your Board of Directors act immediately to protect local food recovery organizations—a vital part of the County food recovery network—against actions that compromise their ability to provide food to those in need. We continue to gather information about the role of Yolo Food Bank leadership in these actions, which may include deterring small food pantries, churches, and other organizations from accepting local government funding and retaliating against those that accept funding by curtailing their access to donated food. While we hope your leadership's role has been mischaracterized, the community stakes are too high for us to delay requesting your immediate attention to these concerns.

As you know, the County is dedicated to improving the food security of its residents. The County administers CalFresh, WIC, and other programs and efforts focused on local food security, nutrition, and public health. The County granted \$500,000 to Yolo Food Bank in 2019 to expand food recovery and distributions. During the COVID-19 pandemic, the County and Yolo Food Bank partnered to increase food recovery and distribution efforts, with the County providing nearly \$1,500,000 and significant County staff to support Yolo Food Bank operations. The County has also tentatively allocated \$3,000,000 in American Recovery Plan Act ("ARPA") funding to local food security, including a grant of up to \$2,000,000 to New Seasons Community Development Corporation to support construction of a regional food hub in Capay Valley. Finally, the County and the cities of Davis, West Sacramento, Winters, and Woodland (collectively, the "Cities"), are offering \$761,698 to Yolo Food Bank (which declined funding) and nine other community organizations to increase food recovery and distribution capacity pursuant to Senate Bill 1383 ("SB 1383").

The latter effort, relating to SB 1383 implementation, appears to be central to the developing crisis that prompted this letter. The \$761,698 allocated by the County and Cities to SB 1383 implementation in 2022 will achieve many capacity and logistics improvements for the recipient food recovery entities. For example, the County's proposed 2022 funding to Countryside Church would enable the purchase of scales, a new cold storage refrigerator, and a new freezer, and would also provide additional funding for staff salaries, stipends, or other discretionary expenditures to allow the collection of edible food from the Esparto Valley Market, thus redirecting food from the landfill to those in need. Additional funding in future years would further help the Church—the only entity serving the Esparto area—improve its capacity to collect and distribute food.

CPRA WOODLAND 000075

Board of Directors, Yolo Food Bank
Page 2

We acknowledge that Yolo Food Bank leadership disagree with the local approach to SB 1383 implementation and have advocated for local governments to “fully fund[] a surplus edible food recovery program countywide”¹ by providing a greater local contribution (\$2 million or more annually) to Yolo Food Bank. We also recognize that your CEO, Michael Bisch, contends that the local approach to SB 1383 compliance is somehow legally deficient and that Yolo Food Bank has rejected local government funding offered in connection with SB 1383.² Some members of your Board have expressed a similar view regarding local efforts to comply with SB 1383, indicating that the County and Cities must provide more funding directly to Yolo Food Bank to reduce or eliminate its need to fundraise to support local food recovery efforts.³

The County has previously considered these perspectives. Among other things, the County retained an independent consultant to study local food recovery capacity and conferred with CalRecycle to ensure the County’s edible food recovery program complies with SB 1383. The implementation decisions made at the October 12, 2021 meeting of the Yolo County Board of Supervisors reflect our assessment of the most appropriate near-term approach to local SB 1383 implementation. We decline to debate competing approaches further in this letter except to say that whatever disagreement may exist regarding local implementation of SB 1383, we must prevent it from harming the charitable organizations that feed those in need. Local community organizations must not be forced to choose between access to food and accepting funding to improve their work.

Mr. Bisch has responded to inquiries from the County regarding this issue to clarify that the Yolo Food Bank has the “exclusive right to solicit food donations from Feeding America affiliated donors in Yolo County and responsibility to then equitably distribute said food throughout the County.” And that the Yolo Food Bank may, in turn, “choose to subcontract this work in some instances with partner nonprofits on mutually agreeable terms.” But it is our understanding that the Yolo Food Bank may now be threatening to terminate subcontracts with partner nonprofits simply because they may also choose to accept funding from the County related to expansion of edible food recovery programs. Such actions, if accurate, are contrary to the shared goals of redirecting edible food from the landfill to those in need, regardless of disputes we may have regarding SB 1383 requirements.

We ask that you take all steps necessary to ensure that Yolo Food Bank leadership is not responsible and, if you determine otherwise, do whatever is needed to immediately end this situation. This could include reassuring all local community partners that Yolo Food Bank will not restrict food distribution or otherwise retaliate against those accepting SB 1383 funding to improve their capacity to feed more people. The County stands ready to take any actions necessary to resolve this crisis but will not be forced to the table—to the extent that may be the underlying goal—to revisit the discretionary policy decisions already made regarding near-term SB 1383 implementation.

We would be remiss if we did not express our concern that the actions attributed to Yolo Food Bank’s leadership, if true, create a serious question about their commitment to local food security and the best interests of our

¹ Yolo Food Bank letter to Board of Supervisors and City Councils, July 10, 2021 (available at: <https://yolofoodbank.org/in-the-news/food-recovery-support-letter/>).

² M. Bisch letter to R. Yazdani, Oct. 3, 2021; see also Anon., *New Yolo Food Bank Mission and Vision Prioritize Nutrition, Food Equity, and Resilience as Pandemic Lingers in New Year*, Davis Vanguard, Jan. 22, 2022 (quoting Michael Bisch as stating: “As a result, in 2022 we’re pivoting toward investing our donors’ generous contributions in the food equity work of our new mission and vision, *setting aside state-mandated activities that are the responsibility of local governments to fund and execute such as SB 1383 edible food recovery*. Yolo Food Bank must focus upon advancing the healthy outcomes that all local residents deserve, thereby increasing their quality of life.”).

³ J. Durst, *Guest Commentary: Feeding All Residents, Especially Vulnerable Children, Highest Priority*, Davis Vanguard, Sept. 20, 2021.

Board of Directors, Yolo Food Bank
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We look forward to moving past the current challenges and reaffirming our strong partnership with Yolo Food Bank. We sincerely appreciate your consideration of the concerns raised in this letter and look forward to hearing from you shortly.

Sincerely,



Angel Barajas
Chair
Yolo County Board of Supervisors



Oscar Villegas
Vice Chair
Yolo County Board of Supervisors

cc: Board of Supervisors, Yolo County
Chad Rinde, Interim County Administrative Officer
Philip Pogledich, County Counsel
Mike Webb, City Manager, City of Davis
Aaron Laurel, City Manager, City of West Sacramento
Kathleen Tropa, City Manager, City of Winters
Ken Hiatt, City Manager, City of Woodland

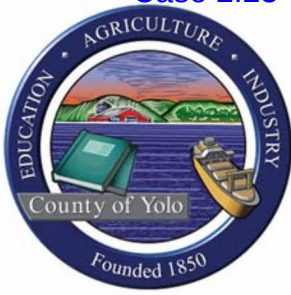
From: Chad Rinde <Chad.Rinde@yolocounty.org>
To: Tom@mullerag.com; jdurst@durstorganicgrowers.com;
Westsacramento@groceryoutlet.com; hartmad3@sutterhealth.org;
MattMariani@MarianiNut.com; danramos@ramco-ent.com; esspang@ucdavis.edu;
kate.stille@nuggetmarket.com; LWalker@thatsmybank.com
CC: Philip Pogledich; Mike Webb (MWebb@cityofdavis.org); Aaron Laurel; Kathleen Trepas; Ken
Hiatt; michael
Sent: 3/18/2022 5:09:15 PM
Subject: County Letter to Yolo Food Bank Board
Attachments: 2022-0318-FINAL Letter to YFB Board.pdf

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Off: (530) 666-8050



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March 18, 2022

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233 Harter Ave
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CPRA WOODLAND 000079

Board of Directors, Yolo Food Bank
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Angel Barajas
Chair
Yolo County Board of Supervisors



Oscar Villegas
Vice Chair
Yolo County Board of Supervisors

cc: Board of Supervisors, Yolo County
Chad Rinde, Interim County Administrative Officer
Philip Pogledich, County Counsel
Mike Webb, City Manager, City of Davis
Aaron Laurel, City Manager, City of West Sacramento
Kathleen Treppe, City Manager, City of Winters
Ken Hiatt, City Manager, City of Woodland

From: Rosie Ledesma /O=WOODLAND/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS /CN=RSALAS>
To: Brent Meyer
Sent: 3/16/2022 4:37:30 PM
Subject: FW: For your review and comment

FYI

From: Rosie Ledesma
Sent: Monday, March 07, 2022 3:34 PM
To: Ken Hiatt <Ken.Hiatt@cityofwoodland.org>
Subject: FW: For your review and comment

See the email below from Mercy Coalition, a food recovery partner with YFB and one of the organizations W Sac had identified to fund for expanded capacity.

From: Goularte, Traci <tracig@cityofwestsacramento.org>
Sent: Monday, March 07, 2022 10:24 AM
To: Jennifer Gilbert <JGilbert@cityofdavis.org>; Rosie Ledesma <Rosie.Ledesma@cityofwoodland.org>
Subject: FW: For your review and comment

FYI

From: Goularte, Traci <tracig@cityofwestsacramento.org>
Sent: Friday, March 4, 2022 10:16 AM
To: Marissa Juhler <Marissa.Juhler@yolocounty.org>
Cc: Strand, Susan <SUSANST@cityofwestsacramento.org>; Messer, Christine <christinem@cityofwestsacramento.org>
Subject: FW: For your review and comment
Importance: High

Good Morning Marissa,
 We just received the email below from our only viable food recovery agency in our City. I'm at a loss! The outright unethical business practices of YCFB is shocking. What are your thoughts on how to proceed? Should I send this email to CalRecycle?

Thanks,
 Traci

From: Don Bosley <don@wsmercycoalition.org>
Sent: Friday, March 4, 2022 10:06 AM
To: Strand, Susan <SUSANST@cityofwestsacramento.org>
Cc: Goularte, Traci <tracig@cityofwestsacramento.org>; Messer, Christine <christinem@cityofwestsacramento.org>; Aleecia Gutierrez <aleecia@frontiernet.net>
Subject: Re: For your review and comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

WARNING: The sender of this email could not be validated and may not match the person in the "From" field.

Good morning, Susan ...

Unfortunately, the Mercy Coalition is going to need to take a pause on this process for a moment. We need to re-weigh all of the implications in light of some decisions that our partners at the Yolo Food Bank have made this week. Wednesday afternoon, they made clear that they might close our access to Nugget and Raley's in their food recovery program if we failed to stand in solidarity with them. In their words, "We've expressed our

OPRA WOODLAND 000082

shock at that threat, they made good on it less than 24 hours later and yesterday did indeed inform us that our Nugget and Raley's access was finished as of 3/17. Understand that last year we recovered 9 1/2 tons of food from Raley's and Nugget in meeting our various food commitments in the city, so that's a big loss.

My pause now has nothing to do with "winning Raley's and Nugget back." Frankly, this situation between the City/County and YFB has become so toxic that I'm not sure MC wants any part of it. At this point I'm certainly leaning towards not taking any money from either side for food recovery, which we've always done for free. All we want to do is feed needy people. If we have a contract with anyone at this point, it'll simply be for agreed pickup times and logistics. At least that's how I'm thinking this morning.

I realize this will probably light a new round of scorching chaos in this unfortunate situation. It grieves me to see it happening in a county that has always been known for such generous and healthy collaboration.

In the meantime, please don't send out this letter with reference to us. My Board and I need to get a little more clarity for ourselves on where we're going to wind up in this.

I'm sure we'll be talking soon ...

Mercy Coalition of West Sacramento

Connection | Strategic | Developer | Positivity | Belief

On Thu, Mar 3, 2022 at 6:00 PM Strand, Susan <SUSANST@cityofwestsacramento.org> wrote:

Hi Don,

Would you have any issue with the City sending the attached letter to West Sacramento Tier 1 Generators?

We include your name and contact information as the City's partner and Mercy Coalition contact for increasing edible food recovery capacity inside of West Sacramento. This letter is particularly address to Jenn and Matt Engstrom. Of course, the other letters would be addressed to the appropriate Tier 1 Generator and all letter will be sent on City letter head.

Please let me know if you would like me to make any edits to this letter.

I hope you are well.

Regards,

SUSAN STRAND

Administrative Analyst, Recycling



1110 West Capitol Avenue

West Sacramento, CA 95691

Office: (916) 617-4590

Mobile: (916) 439-0184

Susanst@cityofwestsacramento.org

www.westsacrecycles.org



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CPRA WOODLAND 000083

From: Ken Hiatt <Ken.Hiatt@cityofwoodland.org>
To: 'Kate Stille'
Sent: 3/14/2022 3:17:45 PM
Subject: FW: For your review and comment

Per our call... see communication below where Nugget is referenced.

From: Rosie Ledesma <Rosie.Ledesma@cityofwoodland.org>
Sent: Monday, March 07, 2022 3:34 PM
To: Ken Hiatt <Ken.Hiatt@cityofwoodland.org>
Subject: FW: For your review and comment

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OPRA WOODLAND 000086

Case 2:23-cv-00455-MCE-DB Document 14-2 Filed 06/13/23 Page 100 of 105

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From: Jennifer Gilbert <JGilbert@cityofdavis.org>
To: Rosie Ledesma
Sent: 3/7/2022 10:41:05 AM
Subject: RE: Yolo Food Bank: nonprofit partner agreements

Thank you Rosie!

Wow, I'm just....stunned by the news that West Sac shared. And sickened. I

From: Rosie Ledesma <Rosie.Ledesma@cityofwoodland.org>
Sent: Monday, March 7, 2022 10:38 AM
To: Jennifer Gilbert <JGilbert@cityofdavis.org>; Susan Strand <susanst@cityofwestsacramento.org>; Traci Goularte <tracig@cityofwestsacramento.org>
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External email. Please verify sender before opening attachments or clicking on links.
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Here you go.

From: Marissa Juhler <Marissa.Juhler@yolocounty.org>
Sent: Monday, November 16, 2020 8:52 AM
To: 'Jennifer Gilbert' <JGilbert@cityofdavis.org>; Rosie Ledesma <Rosie.Ledesma@cityofwoodland.org>; 'Strand, Susan' <SUSANST@cityofwestsacramento.org>; Kristine Deguerre <Kristine.deguerre@cityofwinters.org>; 'Sue Vang' <eusvang@UCDAVIS.EDU>
Cc: Pamela Hedrick <Pamela.Hedrick@yolocounty.org>
Subject: FW: Yolo Food Bank: nonprofit partner agreements

Happy Monday Everyone!

I wanted to forward you this email in preparation for a discussion at our MAC meeting this coming Thursday. I have asked Pam to add Food Recovery to the agenda after a lengthy conversation with the Food Bank last week. What you are seeing here is their interpretation of the food rescue system throughout the county. I wanted to make sure you all got a copy to help with discussions each of us will need to have with our higher ups regarding the contractual obligation the smaller entities, such as STEAC and the UCD Pantry, already have with the Yolo Food Bank. It is their opinion, that since all these entities already funnel all their food contractually through the Food Bank, there is no competition out there and that a sole source contract should be in place between the jurisdictions and the Food Bank for us to able to comply with SB 1383. Lots to discuss.....

Sincerely,

*Marissa Juhler
Waste Reduction and Sustainability Manager
Yolo County Central Landfill
44090 County Road 28H
Woodland, CA 95776
530-666-8813
Fax 530-666-8853*

From: michael@yolofoodbank.org [mailto:michael@yolofoodbank.org]
Sent: Friday, November 13, 2020 5:01 PM
To: Marissa Juhler
Subject: Yolo Food Bank: nonprofit partner agreements

Hi Marissa,

Thanks for setting aside so much time for me today. Feeding America food banks have exclusive regional

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From: Goularte, Traci <tracig@cityofwestsacramento.org>
To: Jennifer Gilbert; Rosie Ledesma
Sent: 3/7/2022 10:23:52 AM
Subject: FW: For your review and comment

FYI

From: Goularte, Traci <tracig@cityofwestsacramento.org>
Sent: Friday, March 4, 2022 10:16 AM
To: Marissa Juhler <Marissa.Juhler@yolocounty.org>
Cc: Strand, Susan <SUSANST@cityofwestsacramento.org>; Messer, Christine <christinem@cityofwestsacramento.org>
Subject: FW: For your review and comment
Importance: High

Good Morning Marissa,
We just received the email below from our only viable food recovery agency in our City. I'm at a loss! The outright unethical business practices of YCFB is shocking. What are your thoughts on how to proceed? Should I send this email to CalRecycle?

Thanks,
Traci

From: Don Bosley <don@wsmercycoalition.org>
Sent: Friday, March 4, 2022 10:06 AM
To: Strand, Susan <SUSANST@cityofwestsacramento.org>
Cc: Goularte, Traci <tracig@cityofwestsacramento.org>; Messer, Christine <christinem@cityofwestsacramento.org>; Aleecia Gutierrez <aleecia@frontiernet.net>
Subject: Re: For your review and comment

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Good morning, Susan ...

Unfortunately, the Mercy Coalition is going to need to take a pause on this process for a moment. We need to re-weigh all of the implications in light of some decisions that our partners at the Yolo Food Bank have made this week. Wednesday afternoon, they made clear that they might close our access to Nugget and Raley's in their food recovery program if we failed to stand in solidarity with them, in their words. When I expressed my shock at that threat, they made good on it less than 24 hours later and yesterday did indeed inform us that our Nugget and Raley's access was finished as of 3/17. Understand that last year we recovered 9 1/2 tons of food from Raley's and Nugget in meeting our various food commitments in the city, so that's a big loss.

My pause now has nothing to do with "winning Raley's and Nugget back." Frankly, this situation between the City/County and YFB has become so toxic that I'm not sure MC wants any part of it. At this point I'm certainly leaning towards not taking any money from either side for food recovery, which we've always done for free. All we want to do is feed needy people. If we have a contract with anyone at this point, it'll simply be for agreed pickup times and logistics. At least that's how I'm thinking this morning.

I realize this will probably light a new round of scorching chaos in this unfortunate situation. It grieves me to see it happening in a county that has always been known for such generous and healthy collaboration.

In the meantime, please don't send out this letter with reference to us. My Board and I need to get a little more clarity for ourselves on where we're going to wind up in this.

I'm sure we'll be talking soon ...

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Don Bosley
Executive Director
Mercy Coalition of West Sacramento
P.O. Box 2060
West Sacramento CA 95691
916.997.6332
He/Him/His

Connection | Strategic | Developer | Positivity | Belief

On Thu, Mar 3, 2022 at 6:00 PM Strand, Susan <SUSANST@cityofwestsacramento.org> wrote:

Hi Don,

Would you have any issue with the City sending the attached letter to West Sacramento Tier 1 Generators? We include your name and contact information as the City's partner and Mercy Coalition contact for increasing edible food recovery capacity inside of West Sacramento. This letter is particularly address to Jenn and Matt Engstrom. Of course, the other letters would be addressed to the appropriate Tier 1 Generator and all letter will be sent on City letter head.

Please let me know if you would like me to make any edits to this letter.

I hope you are well.

Regards,

SUSAN STRAND

Administrative Analyst, Recycling



1110 West Capitol Avenue
West Sacramento, CA 95691
Office: (916) 617-4590
Mobile: (916) 439-0184
Susanst@cityofwestsacramento.org
www.westsacrecycles.org



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